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John Adams

THE

SUPPRESSED HISTORY

OF THE

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ADMINISTRATION OF JOHN ADAMS,

(FROM 1797 TO 1801,)

AS PRINTED AND SUPPRESSED IN 1802.

BY JOHN WOOD,

Author of "The History of Switzerland," &c.

NOW REPUBLISHED WITH

NOTES, AND AN APPENDIX,

BY JOHN HENRY SHERBURNE,

Author of "The Life and Character of Paul Jones," "Naval Sketches," "Etiquette," "Pencillings Abroad," &c. &c.

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B. M. DUSENBERY, STEREOTYPER.

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INTRODUCTION.

As it is in the revolution of empires when truly great men make themselves known, so it may be amid the turbulent strife that at times agitates the political world—when a people tired, and borne away by a ruthless intriguing faction, to save themselves from ruin, make a bold, determined stand in vindication of their sacred rights, and in defence of their liberties—it is when such powerful sentiments animate the hearts of a people born to be free, and truly enlightened views direct them to the easy attainment of benefits calculated to secure their freedom, happiness, and future prosperity, that their inmost souls expand, their mental faculties assume their natural proportion and energy, and, in defiance, come forth determined to assert those rights so important and essential to their welfare, and call to their aid *those* whom they are convinced will save them and their devoted country from anarchy, dissolution, and lasting disgrace.

The Constitution was, in the early period of this Republic (as it now is) the *pole-star* on which all eyes were intently fixed, the majority of the people believing that as a WASHINGTON in the days that tried men's souls, through the aid of Divine Providence made them free and independent, a JEFFERSON through the assistance of the same All-Wise Being should again be the means of more closely uniting the bonds of the Union by a link still stronger—irresistible to a faction, who, for their own aggrandizement, were willing to see the Constitution trampled under foot, and hurled from the Legislative halls.

At this momentous period, a still small voice was heard from the silent tomb of the father of his country, which was loudly responded to, and aroused the people to adhere to those principles which inspired their patriotic sires in 1776, and with a spirit and power as irresistible as governed them, and bid them onward, did they once more triumph, and place a true patriot son of Virginia, a Jefferson, to preside over the destinies of the Republic, which an aristocratical faction had endeavoured to overthrow by tyranny, oppression, and the restriction of opinion. Virginia spoke—her voice was echoed and re-echoed by the hills of New England, the answering shores of Georgia, and the reverberating cliffs of the Alleghanies, until every freeman awoke

at the summons, and came forth with shield and spear, and the stirring war-cry of "*A Jefferson to the rescue—Liberty and Union.*"

It must be admitted by every impartial and unprejudiced mind, whether one of the old federal school of 1798, a federal whig of 1841, or a republican of the Jeffersonian school, that the letter published in the work from the late *Governor John Langdon of New Hampshire*, (uncle of the editor,) who was called the Washington of the Granite state, to Senator Samuel Ringgold of Maryland, must have had the effect of linking together, with hooks of steel, the Republican party from 1801 until 1825, when by bargain and deep intrigue in the halls of Congress, General Jackson was excluded from the high office to which the wishes of the people had destined him. This had the effect of again rousing the Republican party to action; and, in 1829, *General Jackson* was inaugurated President of the United States, and, full of zeal for the welfare of the people, planned a crusade against *bank monopoly*—overthrowing the monster as his prowess overthrew the invading British army at New Orleans.

The reader will doubtless be curious to know in what manner, after a lapse of nearly half a century, a copy of the suppressed work, now re-printed, came into the possession of the editor, who has no hesi-

tation in briefly explaining the source whence he obtained it, and other matters relating to its publication and *suppression* in 1802, and the cause of his reprinting it at the present calm period after the great political storm which so recently passed over our happy and growing republic.

The suppressed copy of "*Adams's Administration*," now in the possession of the editor, was presented to his father, (the late Judge Sherburne of the United States District Court for the District of New Hampshire,) by his old friend and correspondent, the late Thomas Jefferson, then President of the United States. The editor in arranging the extensive library of his late father, found the work, and after an attentive perusal, while on a visit to New York in 1840, submitted it to a literary friend asking his advice with respect to printing it anew. This friend although averse to what is called republican principles, advised its republication, and introduced the editor to one of the most extensive publishing houses in New York. The publishers, who were of the same politics as the literary gentleman above referred to, after three days consideration, and consulting the editor of a leading political paper, also of the same creed in politics, agreed to republish it on certain terms, provided the consent

of Ex-President John Quincy Adams could be obtained.

The editor soon after was compelled to relinquish his project by unexpectedly having business which took him to Europe. Subsequent duties undertaken for the government in relation to the removal of some of the Indian tribes, have occasioned the reprinting and editing of the work to be deferred till the present day.

It was during the editor's visit at New York in the fall of 1840, that he was informed *why* and *wherefore* this book was ever *suppressed*; while the work was in press, but one individual, a renowned political *star* of that day, had access to the office; and the room having but one door of entrance, was so closely watched as to prevent any one from entering or departing without being observed. This political *star*, with others, was in the habit of visiting a certain lady conspicuous at that period for her deep political intrigue, with a mind, however, far more exalted, and possessing far more acuteness, in finding out what was in agitation among the intriguing politicians. This political *star* was in the habit also of imparting to this lady all that transpired from day to day not only in the political but the fashionable world.—One evening this gentleman on a visit to the lady's house appeared buried

more deeply in thought than usual, as if something weighed heavily on his great mind, which the lady observing, with all her usual tact, ordered the tray, with a variety of choice wines, &c., which she invariably found had the desired effect of gaining the secrets, plots, and counterplots from high functionaries. She was not disappointed in her scheme; the mind of the great man was relieved, and the important *secret* disclosed in *strict confidence*, with a promise of the perusal of the printed sheets as they came from the press. The lady not only *perused*, but submitted them from time to time in confidence to the lynx eye of *another* political luminary, whose name appearing in no enviable point of view at that juncture, caused the mighty genius some alarm at the part *he* was to play in the *Political Drama*, and he at once resolved the work should *not* be made public if money could prevent it, with the good will of the author. Accordingly, consulting with two of his confiding political friends residing in New York, *one* now no more, the *other* still living in the same city in good health, (and as deep in the affairs of the nation as in days of yore,) he privately commissioned them to endeavour to purchase the *whole edition*. Overtures were made for that purpose in private to the author, and after several secret meetings the pur-

chase was completed for a certain sum, the copies to be counted, and immediately consumed.

Although the two friends of the gentleman, and the publisher, were only present at the time of the *great conflagration*, some few copies escaped the flames, and it is said, were privately sold to certain individuals, and by them sent to their political friends at a distance.

It was supposed at the time, that it was through the influence of a certain *lady* known to Colonel Burr and General Hamilton, that the few copies were saved and distributed; and that she received a certain sum for her agency in the matter; and this was the commencement of hostilities between those two political aspirants, which resulted in the fatal duel at Hoboken, the particulars of which are well known in the history of those times.

This work will, in a measure, prove that federalism in 1798, and modern whiggery, are one and the same family; that the principles which governed the party in 1798, and were carried out at that momentous period, were attempted by the party in 1841. For being elated at their unexpected success, plans were matured for an unmerciful crusade against their opponents, and would have been carried fully into effect, if the wishes of the leaders of

the party, and of President Harrison's cabinet, had prevailed. The President himself was, to the knowledge of the editor, positively opposed to this general proscription. Whether he would have finally yielded to the *pressure* which he painfully sustained for a month, cannot now be known; for the hand of an All-Wise Being relieved him from his great anxiety, by calling him to another and a better world, which destroyed the nefarious measures of his cabinet, and their friends. This alone saved the mandate from being carried out to its full and contemplated extent, of thrusting instanter from office all who were denounced as having in their veins a sprinkling of democratic blood; thus carrying out a principle laid down by Mr. Adams, never to trust a *vulgar democrat* to any office of responsibility or patronage; for the reason, as he once wrote, that "if a family which has been high in office and splendid in wealth, falls into decay from profligacy, folly, vice, or misfortune, they generally turn *democrats*, and court the lowest of the people with an ardour, an art, a skill, and consequently with a success, which no *vulgar democrat* can attain." (See Appendix.) Mr. Adams in carrying out this principle, that no democrat should be trusted with office, thrust from an exalted and important station, a near connexion of the editor, whose only fault was in being an honest, upright republican of

the Jeffersonian school. Mr. Jefferson, on coming into power, caused him to be reinstated.

It appears, throughout Mr. Adams's administration, that his imagination was disturbed by the *goblin* of *Democracy*. The same uneasy ambition which characterized him in public, pursued him even to his retreat. Envy and jealousy seemed to have burned in his bosom, and he conceived the Herculean project of prostrating the reputation of Mr. Jefferson, and of raising himself and his family on the ruins of democracy. Yet, amid all this confusion and war of elements, Mr. Jefferson stood, like Atlas, upon a broad and immoveable basis, with his head in clear sunshine, above the lowering clouds. The principles of the Constitution went into complete and harmonious operation, and the resources of the country were developed, to the credit of this country, and to the admiration of the whole Christian world.

The people flocked to the republican standard, and the result of the second election of Mr. Jefferson demonstrated, that pure republican principles had taken deep root in their affection. They could *not* be overthrown.

By retirement after the revolution Mr. Adams might have preserved a rank in that luminous galaxy of heroes and statesmen who so gallantly achieved our independence; but his ambitious mind sought

eagerly for POWER—he obtained it; his abuse of it, under the advice of intriguing political aspirants, caused *his* downfall, like *other* ambitious leaders who have risen, flourished, and fallen—proving that this inordinate and unprincipled thirst for POWER in a republic on the part of a "few at the expense of the many," has always been the inveterate bane of liberty—the *semen dissolutionis* of political communities. That although men are, by nature, free and equal, yet, there is among them, a perpetual tendency to inequality. Society is constantly diverging into the extremes of affluence and power on the one hand, and penury and weakness on the other. The history of nations is little else than the history of individuals, the existence and prosperity of the one depending in a measure upon the purity, patriotism, and public spirit of the other.

By a constant recurrence to first principles, and an unceasing inspection and scrutiny into the conduct and characters of our distinguished men, we may hope still to preserve our rights, and perpetuate them to all future generations. However elevated his rank, powerful his connexions, or unlimited his hold upon the estimation and confidence of his countrymen, we shall not shrink from summoning the delinquent to that tribunal, from which there is no appeal—*to the tribunal of* PUBLIC OPINION.

THE EDITOR.

HISTORY

OF

THE ADMINISTRATION

OF

JOHN ADAMS.

CHAPTER I.

Introductory Remarks—Biography of Mr. Adams—Review of his Political Tenets—Causes of his Election.

The United States of America enjoyed, under the administration of the illustrious Washington, all those advantages which result from the prudent policy of a virtuous magistrate. The peaceful system which he pursued, repaired, in a great measure, the injuries sustained by a long and expensive civil war. His interests and passions were the same as those of the people, and a constant communication of good offices kept alive their attachments. During the first four years of the present confederacy, the second station of executive public employment, and all of the third grade, remained in the same hands; nor did any changes take place in the more subordinate, but from voluntary resignation and death. The public debt decreased in a much greater proportion than ever was known to take place in the same period in any nation of the world —the expenses of government were also much less, in proportion to wealth and numbers, than those of any kingdom in Europe. Affairs remained in this prosperous state until the conclusion of Jay's treaty, which the growing propensity for commerce and interest had effected. Then, for the first time, those generous maxims of liberty which had established our

independence, were observed to suffer—our towns and villages were immediately stocked with British agents, Nova Scotian tories, and French royalists—the epithet of royalist became a distinction more powerful than merit, and the name of republican the most odious of titles. The voluntary resignation of Washington, who probably perceived the disorders which were to follow, and the election of a monarchical president, gave a four years triumph to this hydra of despotism. Before I relate the tyranny and corruption which disfigured this period, it may not be improper to give a short account of the life of Mr. Adams, his political tenets, and the incidents attending his election. This will form the design of the present chapter.

John Adams was born at Braintree, in Massachusetts, the 19th day of October, 1735. General report states his father to have been a shoemaker, and the descendant of a Scottish family, who emigrated to Massachusetts Bay about 1650. Young Adams is also said to have prosecuted, for several years, the same business; until, by the advice of his uncle, who was a village schoolmaster, he applied himself to the study of letters, and relinquished the occupation of Crispin. In the year 1755, he taught a school near Braintree, and continued in this sphere of life for several years. At what period he commenced the study of law is uncertain—we only know that on the 5th of March, 1770, he advocated the cause of monarchy at Boston, in the case of Captain Preston, who barbarously put to death several citizens of that town. Doctor Morse, in a short biography which he has given of Mr. Adams, has the following particulars respecting this trial. "The cause of Captain Preston was most unpopular. The whole town had been in a state of irritation on account of the conduct of Governor Hutchinson and the troops which were stationed in it—their resentment now burst into a flame—but he felt the cause to be a just one; and the danger of incurring the displeasure of his countrymen could not deter him from undertaking it. He conducted the cause with great address, by keeping off the trial till the passions of the people had time to subside. The trial at length commenced, and lasted several days, during which, he displayed the most extensive knowledge of the laws of his country and of humanity; and, at the conclusion, he had the satisfaction of proving to Great Britain herself, that the citizens of Massachusetts would be

just and humane to their enemies, amidst the grossest insults and provocations." Captain Preston was acquitted.

Mr. Adams was afterwards elected a member of the first Congress, in 1774, and certainly assisted at bringing about the memorable resolution of the 4th of July, 1776, which declared the American colonies free, sovereign, and independent states.

Having been for a considerable length of time one of the commissioners of the war department, and a principal suggestor of the terms to be offered to France for forming a treaty of alliance and commerce, he was sent to the court of Versailles, along with Franklin and Lee, as ministers plenipotentiary of the United States, to consummate that important business. On his return from France, he was called upon by Massachusetts to assist in forming a plan of government; and this state is, without doubt, indebted to Mr. Adams, both for the excellencies as well as imperfections of its present constitution.

When this business was completed he returned to Europe, vested with full powers from Congress to assist at any conference which might be opened for the establishment of peace; and he soon after received other powers to negotiate a loan of money for the use of the United States; and to represent them as their minister plenipotentiary to their High Mightinesses the States General of the United Provinces.

While in Europe, Mr. Adams published his defence of the constitutions of government of the United States of America. To ascertain the political creed of Mr. Adams, it is only necessary to consider a few passages in the preface to this elaborate compilation. According to Mr. Adams, a monarchy, limited by an aristocratical and a democratical power in the constitution, is the most perfect government of any. "The English," he says, "by blending together the feudal institutions with those of Greece and Rome, have made that noble composition which avoids the inconveniences and retains the advantages of both; and it would be the height of folly to go back to the institutions of Woden and Thor, and of the ancient Germans, after knowing the history of England." Hume and Robertson, he asserts, have given such admirable accounts of the feudal institutions, and their consequences, that it would have been, perhaps, more discreet in him to have referred to them, without saying anything upon the subject.

As the principles of Mr. Adams, respecting government,

are erected upon the feudal system, and as the theory which he has adopted concerning that system, appears, by his own confession, to be drawn from Hume and Robertson, it is only necessary, in order to expose the fallacy of the political structure which Mr. Adams has raised, to detect a few of the leading errors of these writers.

Hume and Robertson, it is well known, were the slaves of a faction, and that they meanly prostituted their talents to vindicate tyranny, and destroy the rights of their nation—they dwell on what they term the aristocratical genius of ancient times—they take a pleasure in painting the power of the Saxon nobles, and in displaying the abjectness of the people of ancient Britain. From a view of paying a compliment to royalty, they affect to consider the Norman invasion as the proper era of the British constitution; and William the Robber, as the founder of English liberty. Mr. Hume says, "none of the feudal governments in Europe had such institutions as the county courts, which the great authority of the Conqueror still retained from the Saxon customs—all the freeholders of the county, even the greatest barons, were obliged to attend the sheriffs in these courts, and to assist them in the administration of justice."

In every feudal kingdom, however, notwithstanding this strong affirmation, the *comes* was known and the *comitatus*. "The *comitatus*, or county, was the territory or estate of the *comes;* and the court he held, and in which he presided, was the county court, to which the freeholders and feudators were called, and acted as assessors or judges."*

Mr. Hume says in another place, "that the great authority of the Conqueror retained the county courts from the Saxon customs." He thus infers that these courts were favourable to the royal authority. The fact, however, is exactly the reverse. The greater jurisdiction there is in the nobles and the people, the more limited is the prerogative of princes. The county courts were eminent and formidable supports of the liberty of the subject; and instead of giving them encouragement, it was the interest of the Conqueror to employ his great authority in their suppression.

Mr. Hume, notwithstanding a variety of authorities which oppose his assertions, expresses himself to the following pur-

* Doctor Gilbert Stuart's View of Society in Europe.

pose. (Appendix 2d, to the History of England.) "The great similarity among all the feudal governments of Europe is well known to every man that has any acquaintance with ancient history; and the antiquaries of all foreign countries, where the question was never embarrassed by party disputes, have allowed, that the commons were very late in being admitted to a share in the legislative power."

The learned work of Archbishop Hincmar, De Ordine Palatii, places this matter in a very different light; and the Abbé Mably, who copies and comments upon it, acknowledges the supreme power of the assemblies of the ancient Germans and Saxons, selects examples of it, and of the interference and consideration of the people. In fact, nothing of any moment or value, in peace or in war, could be done without their approbation. Their assemblies, however, were very different from the *Etats Generaux* of after times, when the rights of the people were insulted, and the legislative power came to reside in the sovereign—yet it is not uncommon to confound them; and on the foundation of this error, improper conclusions have been inferred against the commons of England.

While liberty and the deputies of the people made a figure, and while the prerogative of the sovereign was restrained and directed by national councils and assemblies, in the other countries of Europe, it appears the height of wildness to conclude, as Hume has done in his History of England, and Robertson in his plausible introduction to the History of Charles V., that in Britain, the inhabitants were in a state of slavery; and that the mandate of the prince was law. His condition, so far from being despotic, was every moment exposed to danger and insult. He might be deposed for a slight offence—he was elected to his office—and his coronation oath expressed his subjection to the community, and bound him to protect the rights of his subjects.

The Anglo-Saxon laws are proofs, that instead of governing by his will or caprice, he was under the control of the national assembly. In the preambles to them, we find that the *wites* or *sapientes*, were a constituent branch of the government. The expression, *seniores sapientes populi mei*, is a part of the prologue to the ordinations of King Ina, anno 712. And these *sapientes populi*, or deputies of the people, appear in the laws of other princes of the Anglo-Saxons.

By a curious testimony, it is even obvious that the word

sapientes must have meant the commons. In the supplication *del county de Devonshire* to Edward III. there are these expressions: "*Que luy please par l'avys des prelats, countees, barons, et autres sages in cest present parliament ordeiner, &c.* The bishops, the earls, barons, and other sages, in this present parliament, ordain." This supplication is printed in the 4 Inst. p. 232, in the reign of the third Edward; from the *autres sages* expressing the commons, it may surely be decisively inferred that *sapientes* had the same meaning in older times.

In fact, the expressions that denote the Anglo-Saxon assemblies, allude to their nationality. "*Commune concilium, conventus omnium, concilium cleri et populi, omnium principium et omnium sapientum conventus*, &c. The common council, the general assembly, the assembly of the clergy and people, the convention of all the chiefs and all the wise men," are appellations which mark forcibly the interference and assistance of the commons.

Dr. Robertson has, with more art, although not with equal force of thought and reasoning, inculcated the same opinions as Mr. Hume. The former was better versed in jesuitical intrigue, the latter deeper founded in metaphysical argument. They both employed themselves in the cause of monarchy, and their works, from beginning to conclusion, can only be regarded as plausible defences of prerogative. Mr. Adams, trusting to the undue weight of what are called great authorities, has put implicit confidence in their assertions, and in a theory which was framed by them, for the express purpose of complimenting royalty at the expense of their nation.

From the same cause have sprung the senates of the United States. In England, and every other country where the feudal system has been established, an order of men superior to the commons necessarily exist, and must remain until a total revolution in property as well as government takes place; but in America, where the distinction of superior and vassal is unknown, and where men hold their property by an equal tenure, the erection of a senate, or house of chieftains, is a direct violation of the rights of citizens, and can serve no other purpose than to clog the wheels of government, and add to the national expense.

Mr. Adams urges as an argument in favour of the establishment of a senate, "that the rich, the well-born, and the able

acquire an influence among the people that would soon be too much for simple honesty and plain sense in a house of representatives. The most illustrious of them should, therefore, be separated from the mass, and placed by themselves in a senate; this is, to all honest and useful intents, an ostracism. A member of a senate of immense wealth, the most respected birth and transcendant abilities, has no influence in the nation, in comparison of what he would have in a single representative assembly. When a senate exists, the most powerful men in the state may safely be admitted into the house of representatives, because the people have it in their power to remove him into the senate as soon as his influence becomes dangerous." A weaker argument than this, could scarcely have been conceived; since it is obvious, that if the people have it in their power to remove a member from the house of representatives into the senate, when his power becomes dangerous, that they have it also in their power to elect another representative; which would answer a much better purpose; for, if a man's principles are such as to be dangerous in one house, they will be equally so in another.

"The Teutonic institutions described by Cæsar, and Tacitus," says Mr. Adams, "are the most memorable experiment, merely political, ever yet made in human affairs: they have spread all over Europe, and have lasted eighteen hundred years. Nothing, therefore, ought to have more weight with America, to determine her judgment against mixing the authority of the one, the few and the many, assuredly in one assembly, than the wide-spread miseries and final slavery of almost all mankind, in consequence of such an ignorant policy in the ancient Germans." Mr. Adams could not possibly have expressed sentiments more hostile to the pure principles of republicanism than these. It is well known, that while the superior and the vassal, the chief and the retainer, were intimately connected, appeared in the same assembly, and were only distinguished by virtue and talents, the feudal association was a state of the greatest happiness:—violence and corruption did not disfigure society, until the original manners which the Germans brought from their woods began to decay. The separation of the interests of the lord and the vassal, by the two houses of assembly, first altered the condition of society. Sufferance soon succeeded to enjoyment, oppression to freedom, and contentions arose, which terminated in the de-

struction of the independence of the European nations. Yet this latter state is that which Mr. Adams labours to impose upon Americans; and to divide their society, by erecting a house of noble senators in the midst of republicans.

These having been the acknowledged sentiments of Mr. Adams, it may appear strange how he became the president of a free people, and the successor of the virtuous Washington. The services which he performed towards the establishment of American independence, by means of his intrigues at the court of Versailles, and the profuse distribution of British gold in the United States, can only account for this extraordinary election. But notwithstanding, upon strict inquiry, he does not appear to have been the choice of the real majority. The following facts related by Mr. Callender, though they may be denied by the friends of Mr. Adams, are certainly correct: the truth of them has been fully ascertained.

In Pennsylvania Mr. Adams gained a vote by the trick of a postmaster, who stopped the mail from Greene county till the poll was closed at Philadelphia. In Maryland, he gained a second, by the folly of one Plater, who balloted both for him and Mr. Jefferson, from an anxiety that Mr. Adams should be vice president. In Maryland, he gained a third suffrage in the western district of that state, by a majority of four voices, owing to negligence on one side, and knavery on the other. The district consists of two counties, Alleghany and Washington. A separate poll was held in each of them. Washington is, of the two, by far the most populous—the census of 1790 gives it fifteen thousand eight hundred and twenty-two inhabitants, and Alleghany no more than four thousand eight hundred and nine. Washington is full of republicans, and Alleghany of their opponents—the republicans put an end to their poll as soon as they had a considerable superiority of the whole number of genuine voters that they knew to reside in the two counties which form the district. The six per cent. agitators of Alleghany did not stop theirs—they brought over a crowd from Pennsylvania and Virginia, and by this means made up a majority of four. Neither the constitution nor Congress itself, had provided any check for the investigation of false votes, and the majority of four trampled on the rights of real citizens.

Putting these facts together, it will appear that Mr. Jefferson, and not Mr. Adams, was the choice of America. The

total number of electors was one hundred and thirty-eight—each of these voted either for Mr. Jefferson or Mr. Adams. But Plater voted for both. Hence, instead of one hundred and thirty-eight, the suffrages came to one more—thus they mounted up to one hundred and thirty-nine. Of these, Mr. Adams had seventy one, and Mr. Jefferson sixty-eight. Laying aside the Maryland vote of Plater, Mr. Adams will then have seventy, and Mr. Jefferson sixty-seven — returning to Mr. Jefferson the Green county vote in Pennsylvania, and striking out the spurious vote in the western district of Maryland, will make an odds of two votes—abstract these two from the majority of seventy, and then Mr. Adams has only sixty-eight. Then add these two to the sixty-seven for Mr. Jefferson, and he is president by a majority of one.

CHAPTER II.

Speech of Mr. Adams—Speech of Mr. Jefferson—Remarks—British Piracy—Mr. Monroe's Embassy.

On Saturday, the 6th of March, 1797, Mr. Adams, as president of the United States, attended in the chamber of the House of Representatives to take his oath of office, according to the direction of the constitution. On his entrance, as well as on the entrance of General Washington and Mr. Jefferson, loud and reiterated applause burst from the audience. Having taken his seat on the elevated chair of the speaker of the House of Representatives, the vice-president, General Washington, and the secretary of the Senate, on his right, the speaker and clerk of the House of Representatives on his left, and the chief justice of the United States, and associate judges, at a table in the centre, he proceeded to deliver the following speech:

"When it was first perceived, in early times, that no middle course for America remained between unlimited submission to a foreign legislature, and a total independence of its claims, men of reflection were less apprehensive of danger from the formidable power of fleets and armies they must determine to

resist, than from those contests and dissensions which would certainly arise concerning the forms of government to be instituted over the whole, and over the parts of this extensive country. Relying, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the people, under an overruling Providence, which had so signally protected this country from the first, the representatives of this nation, then consisting of little more than half its present numbers, not only broke to pieces the chains which were forging, and the rod of iron that was lifted up, but frankly cut asunder the ties which had bound them, and launched into an ocean of uncertainty.

"The zeal and ardour of the people during the revolutionary war, supplying the place of government, commanded a degree of order sufficient at least for the temporary preservation of society. The confederation, which was early felt to be necessary, was prepared from the models of the Batavian and Helvetic confederacies, the only examples which remain with any detail and precision in history; and certainly the only ones which the people at large had ever considered. But reflecting on the striking difference in so many particulars, between this country and those where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen by some, who assisted in Congress at the formation of it, that it could not be durable.

"Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals, but in states, soon appeared with their melancholy consequences—universal languor, jealousies and rivalries of states, decline of navigation and commerce, discouragement of necessary manufactures, universal fall in the value of lands and their produce, contempt of public and private faith, loss of consideration and credit with foreign nations, and, at length, in discontents, animosities, combinations, partial conventions, and insurrection, threatening some great national calamity.

"In this dangerous crisis, the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity—measures were pursued to concert a plan to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty—the

public disquisitions, discussions, and deliberations, issued in the present happy constitution of government.

"Employed in the service of my country abroad, during the whole course of these transactions, I first saw the constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as a result of good heads, prompted by good hearts; as an experiment, better adapted to the genius, character, situation, and relations of this nation and country, than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government, as I had ever most esteemed—and in some states, my own state in particular, had contributed to establish. Claiming a right of suffrage, in common with my fellow-citizens, in the adoption or rejection of a constitution which was to rule me and my posterity, as well as them and theirs, I did not hesitate to express my approbation of it on all occasions, in public and private. It was not then, nor has been since, any objection to it in my mind, that the executive and senate were not more permanent, nor have I ever entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their experience, should see or feel to be necessary or expedient, and by their representatives in Congress and the state legislatures, according to the constitution itself, adopt and ordain.

"Returning to the bosom of my country, after a painful separation from it for ten years, I had the honour to be elected to a station under the new order of things, and I have repeatedly laid myself under the most serious obligations to support the constitution. The operation of it has equalled the most sanguine expectations of its friends; and from an habitual attention to it, satisfaction in its administration, and delight in its effects, upon the peace, order, prosperity, and happiness of the nation, I have acquired an habitual attachment to it, and veneration for it.

"What other form of government, indeed, can so well deserve our esteem and love?

"There may be little solidity in an ancient idea, that congregations of men into cities and nations are the most pleasing objects in the sight of superior intelligences. But this is very certain, that to a benevolent human mind, there can be no

spectacle presented by any nation, more pleasing, more noble, majestic, or august, than an assembly, like that which has so often been seen in this and the other chamber of Congress—of a government, in which the executive authority, as well as that of all the branches of the legislature, are exercised by citizens, selected at regular periods by their neighbours, to make and execute laws for the general good. Can anything essential, anything more than mere ornament and decoration, be added to this, by robes or diamonds? Can authority be more amiable or respectable, when it descends from accident, or institutions established in remote antiquity, than when it springs fresh from the hearts and judgments of an honest and enlightened people? for it is the people only that are represented; it is their power and majesty that is reflected; and only for their good, in every legitimate government, under whatever form it may appear. The existence of such a government as ours, for any length of time, is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people. And what object or consideration, more pleasing than this, can be presented to the human mind? If national pride is ever justifiable or excusable, it is when it springs not from power or riches, grandeur or glory, but from conviction of national innocence, information, and benevolence.

"In the midst of these pleasing ideas, we should be unfaithful to ourselves, if we should ever lose sight of the danger to our liberties—if anything partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections.

"If an election is to be determined by the majority of a single vote, and that can be procured by a party, through artifice or corruption, the government may be the choice of a party for its own ends; not of the nation, for the national good. If that solitary suffrage can be obtained by foreign nations, by flattery or menaces, by fraud or violence, by terror, intrigue, or venality, the government may not be the choice of American people, but of foreign nations. It may be foreign nations who govern us, and not we, the people, who govern ourselves: and candid men will acknowledge, that in such cases, choice would have little advantage to boast of over lot or chance.

"Such is the amiable and interesting system of government (and such are some of the abuses to which it may be exposed)

which the people of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations, for eight years, under the administration of a citizen, who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude, conducting a people inspired with the same virtues, and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity, has merited the gratitude of his fellow-citizens, commanded the highest praise of foreign nations, and secured immortal glory with posterity.

"In that retirement which is his voluntary choice, may he long live to enjoy the delicious recollection of his services, the gratitude of mankind, the happy fruits of them to himself and the world, which are daily increasing, and that splended prospect of the future fortunes of his country, which is opening from year to year. His name may be still a rampart, and the knowledge that he lives, a bulwark against all open or secret enemies of his country's peace.

"This example has been recommended to the imitation of his successors, by both houses of Congress and by the voice of the legislatures and the people throughout the nation.

"On this subject it might become me better to be silent, or to speak with diffidence. But as something may be expected, the occasion, I hope, will be admitted as an apology if I venture to say, that if a preference upon principles of a free, republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the constitution of the United States, and a conscientious determination to support it until it shall be altered by the judgment and wishes of the people, expressed in the mode prescribed in it; if a respectful attention to the constitutions of the individual states, and a constant caution and delicacy towards the state governments; if an equal and impartial regard to the rights, interests, honour, and happiness of all the states in the union, without preference or regard to a northern or southern, an eastern or western position, their various political opinions on unessential points, or rather their personal attachments; if a love of virtuous men of all parties and denominations; if a love of science and letters, and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution for propagating knowledge, virtue, and religion among all classes of the

people, not only for their benign influence in the happiness of life in all its stages and classes, and of society in all its forms, but as the only means of preserving our constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, the profligacy of corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments; if a love of equal laws, of justice and humanity in the interior administration; if an inclination to improve agriculture, commerce, and manufactures, for necessity, convenience, and defence; if a spirit of equity and humanity towards the aboriginal nations of America, and a disposition to meliorate their condition, by inclining them to be more friendly to us, and our citizens more friendly to them; if an inflexible determination to maintain peace and inviolable faith with all nations, and that system of neutrality and impartiality among the belligerent powers of Europe, which has been adopted by this government, and so solemnly sanctioned by both houses of Congress, and applauded by the legislatures of the states, and the public opinion, until it shall be otherwise ordained by Congress; if a personal esteem for the French nation, formed in a residence of seven years, chiefly among them, and a sincere desire to preserve the friendship which has been so much for the honour and interest of both nations; if, while the conscious honour and integrity of the people of America, and the internal sentiment of their own power and energies must be preserved, an earnest endeavour to investigate every just cause, and remove every colourable pretence of complaint; if an intention to pursue, by amicable negotiation, a reparation for the injuries that have been committed on the commerce of our fellow-citizens, by whatever nation—and, if success cannot be obtained, to lay the facts before the legislature, that they may consider what further measures, the honour and interest of the government and its constituents demand; if a resolution to do justice, as far as may depend upon me, at all times, and to all nations, and maintain peace, friendship, and benevolence with all the world; if an unshaken confidence in the honour, spirit, and resources of the American people, on which I have so often hazarded my all, and never been deceived; if elevated ideas of the high destinies of this country, and of my own duties towards it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind

in early life, and not obscured but exalted by experience and age—and as, with humble reverence, I feel it to be my duty to add, if a veneration for the religion of a people who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service, can enable me, in any degree, to comply with your wishes, it shall be my strenuous endeavour, that this sagacious injunction of the two houses shall not be without effect.

"With this great example before me, with the sense and spirit, the faith and honour, the duty and interest of the same American people pledged to support the constitution of the United States, I entertain no doubt of its continuance in all its energy; and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it, to the utmost of my power.

"And may that Being, who is supreme over all, the patron of order, the fountain of justice, and the protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation, and its government, and give it all possible success and duration, consistent with the ends of his providence."

After concluding his speech, Mr. Adams descended from his seat, to receive the oath of office from the chief justice. Having taken the oath, which was administered with great solemnity, he resumed his chair, paused a few moments, then rose and retired.

Mr. Jefferson addressed the Senate, which was convened in their chamber, by the call of the late President; in the following extempore speech:

"*Gentlemen of the Senate,*

"Entering on the duties of the office to which I am called, I feel it incumbent on me to apologize to this honourable house, for the insufficient manner in which I fear they may be discharged. At an earlier period of my life, and through some considerable portion of it, I have been a member of legislative bodies, and not altogether inattentive to the forms of their proceedings—but much time has elapsed; since that other duties have occupied my mind; in a great degree it has lost its familiarity with this subject. I fear that the house will have but too frequent occasion to perceive the truth of this acknowledgment. If a diligent attention, however, will en-

able me to fulfil the functions now assigned me, I may promise that diligence and attention shall be sedulously employed. For one portion of my duty, I shall engage with more confidence, because it will depend on my will and not on my capacity.

"The rules which are to govern the proceedings of this house, so far as they shall depend on me for their application, shall be applied with the most rigorous and inflexible impartiality, regarding neither persons, their views or principles, and seeing only the abstract proposition subject to my decision. If, in forming that opinion, I concur with some and differ from others, as must of necessity happen, I shall rely on the liberality and candour of those from whom I differ, to believe that I do it on pure motives. I might here proceed, and with the greatest truth, to declare my zealous attachment to the constitution of the United States; that I consider the union of these states as the first of blessings; and, as the first of duties, the preservation of that constitution which secures it. But I suppose these declarations not pertinent to the occasion of entering into an office whose primary business is merely to preside over the form of this house. And no one more sincerely prays, that no accident may call me to the higher and more important functions which the constitution eventually devolves on this office. These have been justly confided to the eminent character who has preceded me here, whose talents and integrity have been known and revered by me through a long course of years, have been the foundation of a cordial and uninterrupted friendship between us; and I devoutly pray he may be long preserved for the government, the happiness and prosperity of our common country."

The apparently liberal and patriotic sentiments displayed in the President's speech, had the immediate effect of conciliating the friendship of many who had been his most violent opposers; the sound of words was to supply for a few days, the place of virtuous deeds, and the services of Washington were to be eclipsed by the laboured periods of a studied oration. A writer in the Argus breaks forth in the following strain of unthinking panegyric: "Who can peruse this address without giving it his most unreserved approbation? It is so long since the citizens of America heard an acknowledgment, on the part of their executive, that all power was derived from the people, that they had almost forgot their government was

a representative one: not less pleasing must it be, to hear him place in a light bordering on ridicule, the diamonds, robes, and other ornaments and decorations of royalty: a striking contrast this, to the example of his predecessor in office. May he persevere in it, uninfluenced by the menaces or machinations of artful and designing men." One might have supposed this to be the language of ridicule and not sincerity, had not the author been a clergyman, who has since figured as one of the warmest espousers of the Hamiltonian faction.

As the most distinguishing features in Mr. Adams's administration have been his predilection for the English government, and his avowed hatred to the French, it may not be improper to give a fair statement of the conduct of both these nations, to this country, previous to the election of 1797. This will assist to develope the secret bonds which were so firmly to unite the president of a free country with a British king. The most striking mark of regard which the English paid to Americans, was the respect shown to our commerce, by insulting indiscriminately, during the year 1796, almost every vessel which displayed the flag of the United States. To enumerate all the deeds of this nature would occupy several volumes—a few of the most glaring instances will be sufficient for the purpose.

The schooner John, of Salem, Captain Philip Saunders, had been on a voyage to Jamaica; while he lay there, an English officer, and five men, from a sloop-of-war, came on board to impress his crew. Only one of them happened to be on board besides the mate and a boy. The rest were on shore on business. The gang took the sailor. On being told that he was an American, they replied that they knew this, but wanted men, and would have them whatever might be the consequences. Captain Saunders went on board the sloop-of-war to reclaim his seaman. The commander, in an insolent manner, ordered him back to his own vessel, desired an account of the wages due to the hand, and to send them and his clothes to the sloop—in case of non-compliance he was threatened with a flogging. The rest of the crew were secreted on shore, by the captain, for ten days, till the sloop-of-war sailed, as her declared design was to impress the whole. During this period the schooner lay exposed to the weather, as well as the insults of the sloop-of-war, without any person to take care of her except the captain, his mate, and the boy—

the sloop's crew consisted of eighty-seven men; of these thirty-five were said to be Americans, who had been impressed in the West Indies. This story is related in the Salem newspapers of the 8th of March, as also by Mr. Callender, who concludes his account of it by observing, that such, at the distance of twenty months, was the success of Jay's appeal to the magnanimity of George Guelph, and of his kissing the hand of "the meat, drink, snuff, and diamond-loving Dame."

In the spring of 1796, Captain Samuel Green made a voyage from Norfolk, in Virginia, to Martinico. He commanded a fast-sailing schooner, of three hundred barrels burthen; and carried a cargo for the British at that island. On his arrival, the consignee showed him a bill of sale of the vessel, and told him he was no longer master, because the schooner was bought for the British government, and to be fitted out as a privateer. If Captain Green chose to remain on board, he was told he might have employment; this offer he refused. Several of the sailors were impressed by the British—others were enticed to enter as volunteers in the different ships.

Jacob Peterson, master of the sloop Polly, of Philadelphia, on the 29th of January, 1796, arrived at Cape Nichola Mole, where he had scarcely cast anchor, when the Syren, a British sixty-four, pressed one of his best seamen. On the 31st, he sailed for Jeremie. While he remained in that port, about nine o'clock in the evening of the 9th of February, Captain Reynolds, of the Harriot, a British armed ship in government service, manned his boat and pressed several American seamen from different ships in the harbour. He began with the ship Carolina of Baltimore, Captain Luther.

Next day Reynolds went on shore, swearing that he would that night make a sweep among the Americans. The latter, hearing of this threat, assembled themselves into two vessels that lay in the harbour, one of them the brig Richard and James, of Philadelphia, and the other the schooner Eliza, of Baltimore. About nine o'clock in the evening, a boat full of armed men was observed coming from the Harriot towards the Eliza. She was hailed, and enjoined to keep her distance. Reynolds caused his men to fire. This was returned, and after some time the boat went off—she came back with a fresh supply of men, and again found it prudent to retire. The people in the Eliza then went on board of the Richard and James. Reynolds went on shore, procured a rein-

forcement, and came back to a third assault. Finding the Eliza deserted, he gave up the attempt. In this contest, the British said that they had seventeen killed or wounded. The Americans had one killed, and one wounded.

On the 28th of March, 1796, the ship Bacchus, Captain George, arrived at Philadelphia. On the 20th, he was boarded by the Thetis, a British frigate. She pressed his mate and cabin-boy, on a suspicion of their being British subjects. The mate attempted to effect an escape, but was retaken, and nearly flogged to death.

The schooner Voluptas, Jonathan Hall, master, of Baltimore, was sent into Kingston by the Severn, of forty-four guns. She had on board a valuable cargo of coffee and cotton, and part of an outward bound freight of provisions, with a large sum of money. The supercargo, Mr. Duncan, was going from Gonaives to the Platform, to purchase coffee to load the schooner for Baltimore. The pretence for seizing the Voluptas was, that she carried provisions for an enemy's port. At this time, the captain of the Severn had detained Mr. Duncan a prisoner for fifty-two days, and threatened to try him as a British subject for high treason, although he showed a certificate of his being an American citizen.

Captain Hall and Mr. Duncan were sent in irons from Cape Nichola Mole to Port Royal, on board of the Lark man-of-war. On their passage, they were put upon two-thirds of the British seamen's allowance of salt beef and bread. The captain, one night while asleep, had his watch and money stolen out of his pocket. It was their opinion that the Severn had designed to send the schooner to the bottom, for she ran so near as to carry away her bowsprit.

The ship Lydia, Robert Blount, master, from Portsmouth, in New Hampshire, had arrived at Kingston. About four leagues to the windward of Port Royal, he was boarded by the Regulus. She took away his mate and four men. They were all natives of Portsmouth, married, and had regular protections. Before taking them on board, the British captain sent his surgeon into the Lydia to examine the men, and see if they were in good health. The Regulus had pressed above fifty American seamen, went afterwards to Port-au-Prince, and from thence to England.

The ship Hannah, Captain Hoare, from Philadelphia to France, was, on the 24th of February, taken by the Lynx

sloop-of-war—she stripped the Hannah of her whole crew, excepting the mate, the cook, and the cabin-boy, and sent her into Bermuda. Most of the hands impressed had protections. The captain of the Lynx had spoke on the day before with the Roebuck, of Philadelphia, and said that he was only prevented from taking her by a violent gale of wind.

On the 29th of March, the ship Friendship, Captain Atkins, arrived at Norfolk—when within the Capes of Chesapeake, he was boarded by a boat from the Thetis, Captain Cochran, who pressed a man who had been naturalized for ten years before. As the Chesapeake is within the territory of the United States, he might as well have kidnapped him in the streets of Philadelphia or New York.

The Ocean, Captain Vredenburgh, was taken on the 31st of March, only one league from the Highlands, and sent into Halifax, by La Prevoyance, a British frigate. The whole crew, excepting the master and mate, were impressed into the British service—two of them were native Americans, and the rest Swedes and Danes. When Captain Vredenburgh remonstrated, the British captain told him to look to Jay's treaty.

Captain Paulding, of the brig Polly, of New York, from Curacoa, on the 3d of March, was sent into Grenada by the Favourite sloop-of-war—his hands were impressed, his sailing orders, letters, invoices, and bills of lading, destroyed. The captain, mate, and two passengers, were stripped of their baggage and wearing apparel, thrown into prison, where they were detained for three weeks, before a passport for their departure was granted.

The Maryland Journal of the 13th of April, 1797, has an extract of a letter from an American seaman, dated Spithead, December 26th, 1795, on board the ship Assistance, in which he had been detained from the 20th of October preceding—the man belonged to the Hannah of Baltimore, Captain Wescott. This vessel, with four other Americans, were carried into Saint John's, Newfoundland—the sailors were either turned ashore to starve, or pressed into the British service.

The Norfolk paper of the 4th of April has the following paragraph: "The ship Diana, of New York, David Chadeayne, master, on her passage from the East Indies to New York, was boarded by his Britannic Majesty's brig Pelican,

Captain J. C. Searle, who sent an officer and crew on board, and took out the mate, six people, and carried her into Port Royal, where, on the 6th of March, while in their possession, she caught fire and was burnt to the water's edge, with all her cargo of immense value."

The Boston Newspaper of the 7th of April, 1796, has the following letter:

"Captain Elkanah Mayo, who arrived in town this week from New York, has favoured us with the following account of the cruel treatment he and his men received from the officers and men of the British frigate La Pique, at Barbadoes, in December last, viz. Captain Mayo, in the ship Polly, of Cape Ann, homeward bound from a whaling voyage, was drove in by stress of weather to Barbadoes, where he lay near three weeks for the arrival of some Americans to freight his oil home, during which time the British frigate La Pique arrived there from a cruise, and, in two days after, pressed two of his hands. Captain Mayo applied to the governor for protection, who caused the men to be released. Three days after, Captain Mayo's boat being ashore with three men, waiting for him, the frigate's barge hauled in close to his boat, and boarded him with cutlasses, to press the men by force. The men called on Captain Mayo from the shore, who ran to the boat for their relief, where he found the crew of the British frigate, with the tiller of their barge, beating his men over their heads with said tiller, till the blood gushed from their mouths and noses, and otherwise mangling them in a barbarous and shocking manner. Captain Mayo sprung into the boat and cleared it of the British crew. The commanding officer, who was then on the wharf, said he would have every man on board the ship. Mr. Woodruff, with whom Captain Mayo did business, being on the wharf, offered his bonds to the captain of the frigate that he would bring his protections on shore. Captain Mayo then went on board his ship to bring his protections—while he was on board, the commanding officer of the frigate, and all the rest of the officers, got into their barge, waiting for Captain Mayo, who was returning with all his protections—they boarded him—the commanding officer jumped into Captain Mayo's boat with his drawn cutlass, and dragged by force all his men into their barge, and then presented his cutlass to Captain Mayo's breast, and ordered him into the barge, which he refused; after which he pricked him

several times in the breast, and then towed him on board the frigate—he put Captain Mayo's men into the hold, among his men who were sick with the yellow fever—he then ordered a pair of irons to be fixed on Captain Mayo, which were not, however, fixed—he kept him on the quarter-deck until evening, then ordered Captain Mayo's boat to be hauled up, and ordered him on board alone. Captain Mayo requested him to let him have a man to go with him, which the captain of the frigate refused; then said he would cast him off and set him adrift—he told him he might perish at sea, to which he replied he hoped he would. Captain Mayo told him he would not go unless he cast him off—he then took his barge and towed Captain Mayo on board his own ship. The next morning Captain Mayo went to the governor and complained of the officers' conduct—the governor ordered his men to be immediately released, who were accordingly sent on shore. Four days after, three of his men were taken with the yellow fever, which they took while on board the frigate, and which spread through Captain Mayo's ship's company—four of his men died of the fever; the rest were obliged to leave the ship, and he hired negroes to pump her. Captain Mayo then chartered vessels as he could find them, to take his men and cargo to the United States. This base conduct of our new treaty-allies occasioned the loss of eight thousand dollars to his owners."

I, the subscriber, do testify to the above account.
(Signed) ELKANAH MAYO.

The Musquito, Captain Harsher, arrived on the 17th of January at Baltimore, from Bourdeaux. On the voyage he was met by the Hussar, a British frigate—his keys were taken, his chests broke open, and everything stolen that the British could lay their hands on. They also drank a case of wine, pressed the Musquito's mate, and one of the hands, who was an American.

A letter from Fredericksburgh, dated April 1, 1796, has the following intelligence: The schooner William, Captain John Scott, from Basseterre, St. Kitt's, having arrived in the river, on the 23d of February, between nine and ten o'clock in the evening in Basseterre-road, he was boarded by a boat with five men with cutlasses—they belonged to a British armed sloop lying there. They ordered William M'Coy, a

native of Fredericksburgh, into the boat; but being prevented from taking him, they went back to the sloop; immediately after, they returned with their commander, one Williams, and an additional number of men, armed with pistols and cutlasses —they took away from the schooner, John Mansfield, William M'Coy, and two blacks. Next morning Captain Scott went on shore, and proved these people to be citizens of the United States—he could recover only the two blacks. Every American at the port shared a similar fate—a Baltimore schooner was stript of all her hands excepting the mate and a boy.

A letter from Captain Thorndike Deland, dated Kingston, 1st of April, 1796, to a merchant in Philadelphia, contained for publication a list of twelve American vessels taken and carried into that port. Captain Deland farther says, that he had heard of twenty-seven other ships at Tortola which were in jeopardy—that all Americans when carried into Kingston were, after examination, turned ashore without provision for their support. Any one having a concern in a house, or having even a factor in St. Domingo, or any French port, was deemed a Frenchman, and his property was on that account condemned. On the 21st of April, 1796, the schooner William and Mary, Captain Shaw, arrived at Portsmouth, New Hampshire, in thirty-eight days from Kingston—when he left that place, the impressment of American seamen had not subsided. On the 5th of May the schooner Mermaid, Captain Tabet, arrived from the Mole at New York—his mate, a native American, was pressed by the Regulus. Several other Americans were, at the same time, pressed from different vessels.

A Charleston newspaper of the 8th of April, 1796, contains the copy of a sentence passed by Judge Green, of Bermuda. It is dated the 6th of January preceding, and respected the brig Fame. In summer, 1795, the Fame sailed from Charleston for Bordeaux. On her return she was captured and taken into Bermuda. The vessel and cargo were both American property, but one of the owners, who went along with her, had stayed behind in France to dispose of the remaining part of the cargo. This accident transformed him, in the eyes of Green, into a French citizen, and on that pretence both ship and loading were confiscated. Thus the British went on in the West Indies, while Mr. Bayard was transmitting to Phi-

ladelphia his important assurances about indemnification, and the resentment of the London Court of Admiralty at the decrees of Green.

About the 23d of April, Captain Mercer, of the sloop Ambuscade, arrived at Philadelphia from Bermuda. He brought a list of eight American vessels, with their cargoes, which were condemned at that place, and of seven others which were libelled. One of the latter was a brig from Boston. Captain Mercer had heard that her captain had died of abuse which he received from the prize-master. A paragraph of the same date says, that at Nevis, the schooner Andrew, Captain Montayne, of Philadelphia, had her mate and seamen pressed by a British schooner. They were all Americans, and had protections. The particulars are related in the captain's protest as transmitted to his owner.

Joshua Whiting was a seaman on board of the American brig Samuel. At Port-au-Prince he and four others of the crew were pressed by a British frigate. Three of them, after eleven days, escaped by swimming, in the course of which one man had the calf of his leg bitten off by a shark; another of them was retaken and almost flogged to death. Whiting and the cripple escaped, after losing their whole adventure, besides being cruelly treated.

The brig Columbia, and the schooner Unity, both of Newburyport, sailed from Port Lewis on the 7th of March, 1796. Next day they were brought to by the Ganges, a British seventy-four, and a schooner attendant on the ship, and sent into Montserrat, examined, and on the 14th dismissed, upon paying forty-four pounds, four shillings and ten pence, as the expense of their examination.

The sloop Dove, of New Haven, in Connecticut, had gone on a voyage to the West Indies. While lying at Antigua she was boarded by a boat's crew from the Narcissus, who took away Benjamin Eastman. He was a native American, and as such had a protection. On the 3d of April, 1796, the master and mate of the Dove made oath to this fact at New Haven.

In April, 1796, the American ship Eliza sailed from New York, for St. Thomas, and had orders to touch at St. Bartholomew; she was taken by Captain Cochran, of the Thetis frigate. The supercargo, a Danish subject, was stripped to the skin; the ship was libelled before the Vice Admiralty Court at Bermuda, under pretence of being French property.

The trunks of the supercargo were sealed up, and he was thrown penniless out of the ship, without clothes or a second shirt to his back. The captain and crew were put on shore destitute of subsistence. Six or seven days after the ship and cargo had been libelled, the cattle were sold at half their prime cost, bought in by the agents who sold them, and sold a second time next day, at a considerable profit.

A Boston newspaper of the 26th of May, contains a deposition dated at St. George, the 27th of April preceding. It was emitted by the second mate of the brigantine Polly, John Bosson, late master. The vessel was on her way from Demarara to Boston, when the Cleopatra, a British privateer, took her. Soon after, the prize-master quarrelled with Captain Bosson, and wantonly beat him in a most shocking manner. Within six days after, Captain Bosson died of his bruises, in the twenty-fifth year of his age.

Such were the effects of Jay's treaty to American commerce. Not more than a twelvemonth after this treaty was signed, and not six months after it had been fully ratified, upwards of three hundred American ships were captured by British frigates and British pirates; and, upon the most moderate calculation, a thousand American citizens were doomed to fight in the cause of a tyrant against the rights of their nation. Much noise has been made about the injuries committed against American commerce by the French republic; but in this year, when every newspaper was suffocated with British robberies, we only find three or four instances of French depredation. The following is the only one, of which a correct statement is given: the paragraph is from a Boston paper, of the 16th of April, 1796.

By an arrival on Saturday, of a vessel from Curacoa, we received the following protest of Hugh Wilson, master of the American brig called the Jay, belonging to Baltimore, who being duly sworn before the notary royal and public, of Saint Bartholomew, declareth: "That having got his vessel captured and condemned, as hereafter will appear, and having had his log-book, and all the papers belonging to the vessel and to himself, taken from him, all to the shipping articles, and a small memorandum book of his private disbursements, he is obliged to give his declaration from memory, and to the best of his recollection, viz., That, on the 10th of April last, 1795, he sailed in said brig from Saint Pierre, in the island of Mar-

tinico, bound to Antigua; that on the 12th of said month, in the morning, he was boarded by the French armed schooner (as near as he could recollect) the Athenienne, commanded by one Paschal, from Guadaloupe, under the lee of which island the brig then was, and in the evening was carried into Basseterre-road, in last said island; that the same deponent, and all his crew, were immediately put on board a French sloop-of-war, where they were detained about eight or ten days, without knowing what was the intention of the French to do with the said brig, and without ever having been heard or examined; that the deponent and supercargo, Mr. John Starck, were sent on shore, and conducted to the interpreter or linguist, who told them the brig Jay, and her remaining cargo, consisting in corn and slaves, had already been condemned, and who furnished Mr. Starck with a copy of the condemnation; that Mr. Starck was put at liberty, but the deponent was, the next day, thrown into Basseterre gaol, where he remained about ten days, after which he was drove out of the said gaol, and put in chains on board a small French schooner, bound to Point-à-Petre, the deponent lying all the passage (about sixty hours), with eight prisoners more, chained to the same bar, in the hold of said schooner, upon the stone ballast, with a very scanty and indifferent food; that having arrived in such a situation at Point-à-Petre, the deponent was immediately put on board one of the prison-ships in the harbour, where he was detained for near eight months; that is to say, until the 1st instant (January, 1796), when Captain Wheeler, of the brig Peggy, of New York, having obtained permission to pick out American sailors, that might be found on board of different prison-ships, came alongside the ship where the deponent was detained; that having made his case known to him, he, the said Captain Wheeler, took the deponent along with him, and put him on board the said brig Peggy; that on the 11th instant or thereabout, the deponent went in said brig from Point-à-Petre, and arrived in this harbour of Gustavia, yesterday, the 13th instant, without yet knowing what has become of his vessel, the brig Jay, her cargo, or anything belonging to her, and without ever having been heard, either in behalf of said property or of himself, during all the time of near nine months he was detained in Guadaloupe, plundered of everything belonging to him, and not left a second shirt to put on; that during his detention in Point-à-Petre, Captain

Lyle, of Baltimore, as he passed by said prison-ship, having seen and recollected the deponent, had applied to the commissaire de guerre in his behalf, but in vain, as said Captain Lyle afterwards told the deponent."

Having related the principal depredations committed upon the commerce of the United States, by the respective powers of Great Britain and France, during the year 1796, I shall now give a general view of Mr. Monroe's embassy, and of those circumstances which led to the unfortunate misunderstanding which existed between America and France, during the administration of Mr. Adams.

For some time previous to 1794, the conduct of the executive of this country had been extremely distant and ceremonious towards the republic of France; nor did the recall of Mr. Genet, the French ambassador, whose personal altercations with the President had led the French government to make this act of solemn reparation, effect any change in its favour. The French justly supposed, that national honour, if not national gratitude, would have prevented the American government from seizing the opportunity when they were struggling for their political existence, against the power of despots, to throw herself into the arms of their most potent enemy. It was, therefore, with equal surprise and indignation that they heard of the negotiation which Mr. Jay was carrying on between America and England, the tenor of which was so evidently in opposition to treaties already existing between them and us.

An intercepted letter from the President of the United States, addressed to Mr. Morris, who officiated as secret agent of the American government, in London, had discovered to the directory the hostile views of the government of the United States, and the intrigues they were carrying on with England. This letter, which was dated at Philadelphia, the 22d of December, 1794, was saved from the wreck of the Boston packet, that had foundered on the coast of France. It was a detailed answer to various letters of Mr. Morris, respecting the pending negotiation. The President complained highly of the haughty conduct of the English administration, and of the arbitrary measures which they had pursued, and which they were continuing to pursue, with respect to American navigation. He requested Mr. Morris to represent to the minister, not only the injustice, but the impolicy of this conduct, par-

ticularly at the moment when it was so much the interest of England to conciliate the minds of the inhabitants of the United States to the acceptance of the treaty. He detailed the efforts he had made, and the difficulties he had undergone, to overcome the wayward disposition of his countrymen towards French politics; the abettors of which were the chief opponents of the treaty in question, which, however, he said, had the approbation of the greater and more respectable part of the community. His main object, he observed, the only object, indeed, which ought to be continually kept in view, was peace, which he was most anxious to preserve; and if America was happy enough to keep herself out of European quarrels, she might, from the increase of her trade, from securing the monopoly of being the carrier of the world, vie, in twenty years, with the most formidable power in Europe.

Such sentiments from the President of the United States, naturally awakened in the French those feelings of resentment which arise from a sense of injury, heightened by ingratitude; and excited also in them a desire of displaying that resentment.

On the 2d of August, 1794, when Mr. James Monroe, who had been appointed our minister-plenipotentiary to the French republic, arrived in Paris, he perceived an apparent coolness and distrust in the proceedings of the French Convention, and affairs appeared to him to be in a train for an entire separation of the two countries. More than a week elapsed after he presented his credentials to the commissary of foreign affairs, without obtaining an answer when he should be received. The state of things occasioned by the fall of Robespierre, which took place before his arrival, he imagined might be the reason of this delay; but he soon understood that it proceeded from a very different cause. It was intimated to him, that the committee of public safety had imbibed an opinion, that Mr. Jay was sent to England with views unfriendly to France, and that his mission was adopted for the purpose of covering and supporting Mr. Jay's to England; that Mr. Jay's was a measure of substantial import, contemplating on the part of America a close union with England, and that Mr. Monroe's was an act of policy, intended to amuse and deceive. It was added, that this impression not only caused the delay of his reception, but that the committee, being un-

willing to become the dupes of this policy, was devising how to defeat it.

Upon consideration of these circumstances, Mr. Monroe addressed a letter to the Convention on the 14th of August, notifying his arrival, and asking to what department of the government he should present himself for recognition. This expedient procured the desired effect, and he was received by the Convention itself, on the day following. When he delivered his address to the Convention, he laid likewise before it, the resolutions of the Senate and House of Representatives, as communicated by the administration, in respect to France and the French Revolution.

After being recognised, the first object Mr. Monroe turned his attention to, was the deranged state of American commerce; and, for that purpose, he applied to the Committee of Public Safety, for a restoration of the ancient and legitimate order of things, with reparation for the injuries America had sustained. His first note to the committee on this subject was dated the 3d of September, 1794—six weeks, however, elapsed without receiving any satisfactory answer. On the 18th of October, he sent in a second note in support of the former, but with little effect. He at last obtained an interview with the diplomatic members of the committee; commencing a conversation with a design to lead them to that point, that he might explain in a suitable manner the objects of Mr. Jay's mission to England. The gazettes of Paris, at that time, were filled with reports that Mr. Jay was to pass over to France, to propose a mediation of peace, on the part of America, at the instance of England—which reports increased, in a considerable degree, the suspicions of the committee. Mr. Monroe, therefore, with a view of doing away those ideas, proposed an offer of our services, to promote peace by way of mediation, according to an article in his instructions; but in a manner to create belief that we neither wished, nor would undertake that office, unless by solicitation; nor then, except at the instance of our ally; adding that he wanted no immediate answer to this communication, having made it only to inform them of the amicable views of our administration towards France. So far Mr. Monroe's object went to discredit the report without noticing it. The members, however, adverted directly to it, asking Mr. Monroe whether it was true; to which he replied that it could not

be true, since Mr. Jay was sent to England on special business, only "to demand compensation for the depredations on our trade, and the surrender of the western posts," to which his authority was strictly limited. The members acknowledged in terms sufficiently polite, the attention which was shown on that occasion, by the administration, to the interests of France, as well in the offer of service to the French republic by the United States, as in the confidential communication Mr. Monroe made upon the subject of our own affairs. Thus the conference ended.

About this time, Mr. Monroe was applied to by M. Gardoqui, minister of finance in Spain, to obtain for him, of the French government, permission to enter France, ostensibly to attend certain baths on account of ill-health, but more probably to open a negotiation for peace with the French republic. At first Mr. Monroe was averse to comply with his demand; but it having been reiterated, and passing by trumpet through the Spanish and French armies, he could not avoid presenting it to the view of the French government.

After this incident, he was asked by the diplomatic members of the Committee of Public Safety, whether he thought they could obtain by loan, of the United States, or within the United States, some money to aid the French government in its operation. Mr. Monroe understood, about four or five millions of dollars were wanted to be laid out in the purchase of provisions and other supplies in the United States. Shortly after, he was informed by the diplomatic members of the Committee of Public Safety, that their minister, then about to depart for the United States, would be instructed to propose an arrangement, whereby France should engage to secure the attainment of all our claims upon foreign powers, when she made her own treaties with them, as likewise to protect our commerce from the Algerines.

By these several communications and explanations on Mr. Monroe's part, which were much aided by the movements of General Wayne on the frontiers, showing, that if America was not in a state of actual war with Great Britain, so neither was she in a state of actual peace, the doubts which the committee had entertained began to wear away.

On the 18th of November, 1794, the Committee of Public safety passed an arrêt, by which the commissary of marine was ordered to adjust the amount due to our citizens on ac-

count of the Bordeaux embargo, as likewise for supplies rendered to the government of St. Domingo. By it, too, the embarrassments which impeded our direct commerce with France, as also those which impeded it with other countries, by the arbitrary rule of contraband, in respect to provisions destined for those countries, were done away. Free passage in American vessels was likewise allowed to the subjects of the powers at war with France, other than soldiers and sailors in the actual service of such powers. In short, all the objects to which Mr. Monroe's note of the 3d of September extended, were yielded, except that of allowing our vessels to protect enemies' goods; which point was declared to be withheld until such powers should agree that the merchandise of French citizens, in neutral vessels, should likewise be free.

Thus the business of reform, respecting our affairs with France, was commenced: but it did not end here; for, not long after, it was proposed by the above-named committee, united with that of legislation, in a report to the Convention, as the part of a general system, to put in execution likewise that article of our treaty which stipulates that free ships shall make free goods; which proposition was adopted and announced to Mr. Monroe, on the 3d of January, 1795.

Our affairs with France were now in a prosperous state. By the repeal of the decrees under which our trade was harassed, there was an end put to complaints from that cause; and, as orders were issued for the adjustment of the accounts of such of our citizens as had claims upon the French republic, with a view to their payment, the prospect of retribution for past losses was likewise a good one. Our commerce, also, flourished beyond what was ever known before; for, by virtue of our treaty with France of 1778, America was becoming the carrier of her own commodities to England and her allies. Such, too, was the friendly bias of the people of France towards us, that notwithstanding our vessels gave no protection to French property against English cruisers, nor in certain cases to the productions of the French islands turned into American property, yet we were become likewise the principal carriers of France. Even the privilege of American citizenship was an object of great value to the owner, for an American citizen could neutralize vessels, funds, &c., and thus profit in many ways by the condition of his country. In short, such was our situation with the French republic, and

with other powers, so far as depended on France, that there was but one point upon which we had cause to feel or express any solicitude; which was, that it might not vary.

But, unhappily, this state of things, so correspondent with the ancient relations of America with France, so congenial with the public sentiments, and necessary to the public welfare, was not doomed to be a permanent one; for even whilst the proposition last above-mentioned, was depending before the Convention, accounts were received from England that Mr. Jay had concluded a treaty with that power of a very different import from his instructions, or what the French government had a right to expect.

As soon as this report reached Paris, it produced in the committee a very disagreeable sensation in regard to America; for immediately afterwards, Mr. Monroe was applied to by that body in a letter, which stated, that they had heard of the contents of that treaty, and asking in what light they were to consider it. It happened that Mr. Monroe had received on the same day a letter from Mr. Jay, of the 25th of November, informing him that he had concluded, on the 19th of the same month, a treaty with Great Britain, which contained a declaration that it should not be construed or operate contrary to our existing treaties, "but as it was not ratified, it would be improper to publish it." Mr. Monroe, therefore, made Mr. Jay's letter the basis of his reply to the committee, adding, that although he was ignorant of the particular stipulations of the treaty, yet he took it for granted the report was altogether without foundation.

On the 16th of January, 1795, Mr. Monroe received another letter from Mr. Jay, informing him, that he proposed to communicate to him in ciphers the principal heads of the treaty, confidentially. Mr. Monroe being urprised at this intelligence, and not wishing to possess a copy of the treaty, if clogged with any condition whatever, wrote to Mr. Jay by a Mr. Purviance, to that purpose. He received an answer, refusing to send him a copy of the treaty, urging as a motive for his refusal, that America was an independent nation.

Soon after this extraordinary answer, Mr. Monroe received another letter from Mr. Jay by Colonel Trumbull, informing him that he had authorized that gentleman to communicate to him the contents of the treaty, but this proposition Mr. Monroe very properly rejected.

Colonel Trumbull, however, made a communication upon the subject of the treaty to Mr. Hidsborn, of Boston, with a design that he should communicate the same to Mr. Monroe —in consequence of which, Mr. Monroe received it, and made of it, afterwards, all the use which a paper so informal would admit of.

About the beginning of February, 1795, Mr. Monroe received a letter from the Secretary of State, dated the 2d of December, 1794. In this letter, the secretary takes notice of Mr. Monroe's address to the Convention, as also of his letter to the Committee of Public Safety. In the first, he charges him with having expressed a solicitude for the welfare of the French republic, in a style too warm and affectionate—much more so than his instructions warranted. For the future, he instructs him to cultivate the French republic with zeal, but without any unnecessary eclat. In Mr. Monroe's letter to the committee, demanding an indemnity for spoliations, and a repeal of the decrees suspending the execution of certain articles of our treaty of commerce with France, the secretary censures Mr. Monroe for having yielded an interest it was his duty to secure.

About the beginning of July, 1795, Colonel Humphreys, then resident minister of the United States at Lisbon, arrived at Paris, with the view to obtain of the French government its aid in support of our negotiations with the Barbary powers. He brought no letter from the administration to the French government, to authorize his treating with it in person, and, of course, it became the duty of Mr. Monroe to apply in his behalf for the aid that was desired. Accordingly, he addressed a letter to the Committee of Public Safety, on the 5th of July, 1795, opening the subject to its view generally, and requesting its aid in such mode as should be agreed between them. Mr. Monroe had several conferences with the members of the diplomatic section of the Committee of Public Safety upon the subject, as also with the Commissary of Foreign Affairs, by whom he was assured that the aid he desired should be given in the most efficacious manner that it could be. Arrangements were, therefore, taken for pursuing those negotiations, under the care of Joel Barlow, and with the full aid of France; when, unfortunately, as Mr. Barlow was upon the point of embarking with our presents, intelligence was received, that a Mr. Donaldson, whom Colonel

Humphreys had left at Alicante with a conditional power, but in the expectation that he would not proceed in the business until he heard further from him, had passed over to Algiers, and concluded a treaty with that regency, and, of course, without the aid of France; which, therefore, ended our application to the French government for its aid in support of our negotiations with those powers.

Early in June, 1795, accounts were received in Paris, that the British government had revived its order for the seizure of provision vessels destined for France. At that period, Paris, and many other parts of France, were in the greatest distress for provisions; in consequence whereof, the attention of the government was directed with great solicitude to those quarters whence supplies were expected, particularly to the United States, where great sums had been expended in the purchase of them. Unfortunately, however, but few of those vessels reached their destination, as they were, in general, taken by the British cruisers. It being obvious, that the aggression of Great Britain upon the rights of neutral nations was made with the intention of increasing the distress that was then raging at Paris, it tended to excite a ferment in the French councils, which was not pointed at Great Britain alone. The United States were particularly animadverted upon, owing to a report from one of its secret agents in England, who stated, he was advised, through a channel to be relied upon, that the English government had intimated the measure would not be offensive to the United States, since it was a case provided for between Great Britain and them.

About the middle of August, 1795, American gazettes were received at Paris, containing copies of the English treaty, whereby its contents were made known to the Committee of Public Safety. From this period, therefore, all mystery was at an end—the possession of the treaty enabled the French government to judge for itself upon all the points which it involved. Nor was the effect which it produced an equivocal one; for, according to Mr. Monroe's report, there was not a description of persons, not in the interest of the coalesced powers, who did not openly and severely censure it.

In the beginning of December, 1795, Mr. Monroe received two letters from Mr. Pickering, by which he was informed officially, and for the first time, that the treaty was ratified.

From this period to the 25th of June, 1796, Mr. Monroe

had frequent conferences with several of the members of the Directory, from whom he received the flattering assurance of the friendship of France towards the United States. But this prospect was soon changed, by a letter which he received from the Minister of Foreign Affairs, requesting information whether the intelligence which the gazettes announced, of the House of Representatives having agreed to carry the treaty into effect, was to be relied on? and, in case it was, asking further, in what light they were to view that event, before he called the attention of the Directory to those consequences resulting from it, which specially interested the French republic? Mr. Monroe replied to the minister, that with respect to his first interrogatory, whether the House of Representatives had passed a law to carry the treaty into effect? he could give him no authentic information—and with respect to the second, as he had already answered his several objections to that treaty, to which he had received no reply, it was impossible for him to enter again, under such circumstances, into that subject.

In the beginning of August, 1796, the Directory recalled Mr. Adet, and appointed another to take his place, with the grade of chargé des affaires. Mr. Monroe apprehending, from certain circumstances, that he would not be well received by the government of the United States, remonstrated against his appointment with the French government, and with success; for it was revoked.

In the beginning of August, Mr. Monroe saw in the Gazette, a communication from the minister of foreign affairs to Mr. Barthelemy, the ambassador of France to the Swiss Cantons, announcing an arrêt of the Directory, by which it was determined to act towards the commerce of neutral powers, in the same manner as those powers permitted the English government to act towards them. In consequence whereof, he applied to the minister for information relative to that arrêt, from whom he received a general answer, corresponding only in sentiment with the letter above-mentioned, to the ambassador of the republic, at Basle.

About the end of August, Mr. Monroe heard that Mr. Adet was recalled, and no successor appointed in his room. He was informed, at the same time, that any further application from him to the French government would be improper; since it would not only prove fruitless, but, most probably, produce an ill effect.

Near seven months had elapsed since the minister of foreign affairs communicated to Mr. Monroe the discontent of the Directory, on account of Jay's treaty, and its decision to make the same known to our government by an envoy extraordinary, to be despatched to the United States; in the course of which time, he had not received a single line from the department of state, although he had regularly informed it of every incident that occurred, and notwithstanding the crisis was a very important one, requiring the profound attention of the administration. In the course of this time, Mr. Monroe was left alone by the administration, to oppose the discontent of France, not only unaided, but likewise under circumstances the most unfavourable. At this period, also, he received a letter from the secretary of state, of the 13th of June, communicating to him the high dissatisfaction of the President, on account of his conduct respecting the British treaty. On the 12th of October, he received a letter from the minister of foreign affairs, announcing the recall of Mr. Adet, and in the beginning of November, he received a letter from the secretary of state, announcing his own recall by the President of the United States.

The Directory, when Mr. Monroe took leave, observed, as they had done on a former occasion with respect to Sweden, that the people of America not being implicated in the acts of their government, were still objects of their esteem; and expressed also their personal regard for the interest which Mr. Monroe, during his residence at Paris, had shown for the welfare of the republic.

The news of the intended resignation of the President of the United States, had preceded the arrival of the new ambassador, Mr. Pinckney. This event, which was expected by the French government, had, in some measure, allayed its warmth; and it was hoped that an amicable arrangement would speedily have taken place, as it was supposed that the choice of the United States would fall on a person less hostile to their interests; but as the exchange of ambassadors under the present circumstances afforded so favourable an opportunity of expressing their feelings, they not only refused to permit the new ambassador to remain officially at Paris, but intimated to him, that his residence as a private citizen was inexpedient.

CHAPTER III.

Speech of the President—Answer of the House of Representatives—Proceedings of Congress.

No event had occurred since the confederation of the states which excited such general consternation and anxiety among all classes of people, as the proclamation for the meeting of Congress on the 15th of May. The recall of Mr. Adet, and the dismission of Mr. Pinckney, by the Directory of France, sufficiently evinced the opinion which that republic entertained of our administration. From the well known principles of Mr. Adams, it was not to be expected that proper persons would be appointed to effect a reconciliation between the two countries. Yet, great hopes were entertained by the republican party, that whatever might be the views of the executive, the virtue and patriotism of the House of Representatives were such, as never to allow them to abandon our natural ally, and embrace again the arms of Britain, against the cause of universal freedom.

The first business which the House of Representatives entered upon after having met, was the choice of a speaker. Mr. Dayton, Mr. Dent, and Mr. Baldwin, were the three candidates; but Mr. Dayton was elected, there being seventy-six votes in his favour. Mr. Dent and Mr. Baldwin had only one each.

Upon Tuesday, the 16th of May, the President addressed to both houses of Congress assembled, the following speech:

"*Gentlemen of the House of Representatives:—*

"The personal inconveniences to the members of the Senate and House of Representatives, in leaving their families and private affairs at this season of the year, are so obvious, that I the more regret the extraordinary occasion which has rendered the convention of Congress indispensable.

"It would have afforded me the highest satisfaction, to have been able to congratulate you on a restoration of peace to the nations of Europe, whose animosities have endangered our tranquillity. But we have still abundant cause of grati-

tude to the Supreme Dispenser of national blessings, for general health and promising seasons; for domestic and social happiness; for the rapid progress and ample acquisitions of industry, through extensive territories; for civil, political, and religious liberty. While other states are desolated with foreign war or convulsed with intestine divisions, the United States present the pleasing prospect of a nation, governed by mild and equal laws, generally satisfied with the possession of their rights, neither envying the advantages nor fearing the power of other nations; solicitous only for the maintenance of order and justice, and the preservation of liberty; increasing daily in their attachment to a system of government, in proportion to their experience of its utility; yielding a ready and general obedience to laws, flowing from the reason and resting on the only solid foundation, the affections of the people.

"It is with extreme regret I shall be obliged to turn your thoughts to other circumstances, which admonish us, that some of these felicities may not be lasting; but if the tide of our prosperity is full, and a reflux commencing, a vigilant circumspection becomes us, that we may meet our reverses with fortitude, and extricate ourselves from their consequences, with all the skill we possess, and all the efforts in our power.

"In giving to Congress information of the state of the union, and recommending to their consideration such measures as appear to me expedient or necessary, according to my constitutional duty, the causes and the objects of the present extraordinary session will be explained.

"After the President of the United States received information that the French government had expressed serious discontents at some proceedings of the government of these states, said to affect the interests of France, he thought it expedient to send to that country a new minister, fully instructed to enter on such amicable discussions, and to give such candid explanations, as might happily remove the discontent and suspicions of the French government, and vindicate the conduct of the United States. For this purpose, he selected from among his fellow-citizens, a character, whose integrity, talents, experience, and services, had placed him in the rank of the most esteemed and respected in the nation. The direct object of his mission was expressed in his letters of credence to the French republic, being, to "maintain that good understanding, which, from the commencement of the

alliance, had subsisted between the two nations, and to efface unfavourable impressions, banish suspicions, and restore that cordiality which was at once the evidence and pledge of a friendly union.' And his instructions were to the same effect, 'faithfully to represent the disposition of the government and people of the United States, their disposition being one; to remove jealousies and obviate complaints, by showing that they were groundless; to restore that mutual confidence which had been so unfortunately and injuriously impaired, and to explain the relative interests of both countries, and the real sentiments of his own.'

"A minister thus specially commissioned, it was expected, would have proved the instrument of restoring mutual confidence between the two republics—the first step of the French government corresponded with that expectation. A few days before his arrival at Paris, the French minister of foreign relations informed the American minister then resident at Paris, of the formalities to be observed by himself in taking leave, and by his successor, preparatory to his reception. These formalities they observed; and on the ninth of December, presented officially to the minister of foreign relations, the one a copy of his letters of recall, the other a copy of his letters of credence. These were laid before the Executive Directory. Two days afterwards, the minister of foreign relations informed the recalled American minister, that the Executive Directory had determined not to receive another minister plenipotentiary from the United States, until after the redress of grievances demanded of the American government, and which the French republic had a right to expect from it. The American minister immediately endeavoured to ascertain, whether, by refusing to receive him, it was intended that he should retire from the territories of the French republic, and verbal answers were given, that such was the intention of the Directory. For his own justification, he desired a written answer; but obtained none until towards the last of January; when, receiving notice in writing to quit the territories of the republic, he proceeded to Amsterdam, where he proposed to wait for instruction from this government. During his residence at Paris, cards of hospitality were refused him, and he was threatened with being subjected to the jurisdiction of the minister of police—but with becoming firmness, he insisted on the protection of the law of nations, due to him

as the known minister of a foreign power. You will derive further information from his despatches, which will be laid before you.

"As it is often necessary that nations should treat for the mutual advantage of their affairs, and especially to accommodate and terminate differences; as they can treat only by ministers, the right of embassy is well known, and established by the law and usage of nations; the refusal on the part of France to receive and hear our minister, is then the denial of a right, but the refusal to receive him until we have acceded to their demands, without discussion and without investigation, is to treat us neither as allies, nor as friends, nor as a sovereign state.

"With this conduct of the French government, it will be proper to take into view the public audience given to the late minister of the United States, on his taking leave of the Executive Directory. The speech of the President discloses sentiments more alarming than the refusal of a minister, because more dangerous to our independence and union; and, at the same time, studiously marked with indignities towards the government of the United States—it evinces a disposition to separate the people of the United States from the government; to persuade them that they have different affections, principles, and interests from those of their fellow-citizens, whom they themselves have chosen to manage their common concerns, and thus to produce divisions fatal to our peace. Such attempts ought to be repelled, with a decision which shall convince France and the world, that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honour, character, and interest.

"I should have been happy to have thrown a veil over these transactions, if it had been possible to conceal them; but they have passed on the great theatre of the world, in the face of all Europe and America, and with such circumstances of publicity and solemnity, that they cannot be disguised, and will not soon be forgotten; they have inflicted a wound in the American breast—it is my sincere desire, however, that it may be healed; it is my sincere desire, and in this, I presume, I concur with you and with our constituents, to preserve peace and friendship with all nations; and believing that neither the

honour nor the interest of the United States absolutely forbid the repetition of advances for securing those desirable objects with France, I shall institute a fresh attempt at negotiation, and shall not fail to promote and accelerate an accommodation, on terms compatible with the rights, duties, interests, and honour of the nation. If we have committed errors, and these can be demonstrated, we shall be willing to correct them; if we have done injuries, we shall be willing, on conviction, to redress them; and equal measures of justice, we have a right to expect from France, and every other nation. The diplomatic intercourse between the United States and France being at present suspended, the government has no means of obtaining official information from that country; nevertheless, there is reason to believe, that the Executive Directory passed a decree on the 2d of March last, contravening in part the treaty of amity and commerce of 1778, injurious to our lawful commerce, and endangering the lives of our citizens. A copy of this decree will be laid before you.

"While we are endeavouring to adjust all our differences with France by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complexion of affairs, render it my indispensable duty to recommend to your consideration effectual measures of defence.

"The commerce of the United States has become an interesting object of attention, whether we consider it in relation to the wealth and finances, or the strength and resources of the nation. With a sea-coast of near two thousand miles in extent, opening a wide field for fisheries, navigation, and commerce, a great portion of our citizens naturally apply their industry and enterprise to these objects; any serious and permanent injury to commerce would not fail to produce the most embarrassing disorders; to prevent it from being undermined and destroyed, it is essential that it receive an adequate protection.

"The naval establishment must occur to every man who considers the injuries committed on our commerce, the insults offered to our citizens, and the description of the vessels by which these abuses have been practised; as the sufferings of our mercantile and seafaring citizens cannot be ascribed to the omission of duties demandable, considering the neutral situation of our country, they are to be attributed to the hope

of impunity arising from a supposed inability on our part to afford protection—to resist the consequence of such impressions on the minds of foreign nations, and to guard against the degradation and servility which they must finally stamp on the American character, is an important duty of government.

"A naval power, next to the militia, is the natural defence of the United States. The experience of the last war would be sufficient to show that a moderate naval force, such as would be easily within the present abilities of the Union, would have been sufficient to have baffled many formidable transportations of troops from one state to another, which were then practised—our sea-coasts, from their great extent, are more easily annoyed, and more easily defended by a naval force than any other; with all the materials our country abounds; in skill, our naval architects and navigators are equal to any; and commanders and seamen will not be wanting.

"But, although the establishment of a permanent system of naval defence appears to be requisite, I am sensible it cannot be formed so speedily and extensively as the present crisis demands. Hitherto, I have thought proper to prevent the sailing of armed vessels, except on voyages to the East Indies, where general usage, and danger from pirates, appeared to render the permission proper; yet the restriction has originated solely from a wish to prevent collusions with the powers at war, contravening the act of Congress, of June, one thousand seven hundred and ninety-four, and not from any doubt entertained by me of the policy and propriety of permitting our vessels to employ means of defence, while engaged in a lawful foreign commerce. It remains for Congress to prescribe such regulations as will enable our seafaring citizens to defend themselves against violations of the law of nations, and at the same time restrain them from committing acts of hostility against the powers at war. In addition to this voluntary provision for defence, by individual citizens, it appears to me necessary to equip the frigates, and provide other vessels of inferior force, to take under convoy such merchant vessels as still remain unarmed.

"The greater part of the cruisers, whose depredations have been most injurious, have been built, and some of them partially equipped in the United States. Although an effectual remedy may be attended with difficulty, yet I have thought it my duty to present the subject generally to your considera-

tion. If a mode can be devised, by the wisdom of Congress, to prevent the resources of the United States from being converted into the means of annoying our trade, a great evil will be prevented. With the same view I think it proper to mention, that some of our citizens resident abroad have fitted out privateers, and others have voluntarily taken the command, or entered on board of them, and committed spoliations on the commerce of the United States. Such unnatural and iniquitous practices can be restrained only by severe punishments.

"But besides a protection of our commerce on the seas, I think it highly necessary to protect it at home, where it is collected in our most important ports. The distance of the United States from Europe, and the well-known promptitude, ardour and courage of the people in defence of their country, happily diminish the probability of invasion: nevertheless, to guard against sudden and predatory incursions, the situation of some of our principal seaports demands your consideration; and as our country is vulnerable in other interests besides those of its commerce, you will seriously deliberate, whether the means of general defence ought not to be increased, by an addition to the regular artillery and cavalry, and by arrangements for forming a provisional army.

"With the same view, and as a measure which even in time of universal peace ought not to be neglected, I recommend to your consideration, a revision of the laws for organizing, arming, and disciplining the militia, to render that natural and safe defence of the country efficacious. Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it, if we can; yet to effect this separation, early, punctual, and continual information of the current chain of events, and of the political projects in contemplation, is no less necessary than if we were directly concerned in them; it is necessary, in order to the discovery of the efforts made to draw us into the vortex, in season to make preparation against them. However we may consider ourselves, the maritime and commercial powers of the world will consider the United States of America as forming a weight in that balance of power in Europe, which never can be forgotten or neglected. It would not only be against our interest, but it would be doing wrong to one half of Europe at least, if we should voluntarily throw ourselves into either scale. It is a natural policy

for a nation that studies to be neutral, to consult with other nations engaged in the same studies and pursuits; at the same time that measures might be pursued with this view, our treaties with Prussia and Sweden, one of which is expired, and the other near expiring, might be renewed.

"*Gentlemen of the House of Representatives:—*

"It is particularly your province to consider the state of the public finances, and to adopt such measures respecting them, as exigencies shall be found to require; the preservation of public credit, the regular extinguishment of the public debt, and a provision of funds to defray any extraordinary expense, will, of course, call for your serious attention; although the imposition of new burthens cannot be in itself agreeable, yet there is no ground to doubt, that the American people will expect from you such measures as their actual engagements, their present security, and future interest demand.

"*Gentlemen of the Senate, and*
Gentlemen of the House of Representatives:—

"The present situation of our country imposes an obligation on all the departments of government, to adopt an explicit and decided conduct. In my situation, an exposition of the principles by which my administration will be governed, ought not to be omitted.

"It is impossible to conceal from ourselves or the world, what has been before observed, that endeavours have been employed to foster and establish a division between the government and people of the United States. To investigate the causes which have encouraged this attempt, is not necessary; but to repel, by decided and united councils, insinuations so derogatory to the honour, and aggressions so dangerous to the constitution, union, and even independence of the nation, is an indispensable duty.

"It must not be permitted to be doubted, whether the people of the United States will support the government established by their voluntary consent, and appointed by their free choice, or whether, by surrendering themselves to the direction of foreign and domestic factions in opposition to their own government, they will forfeit the honourable station they have hitherto maintained.

"For myself, having never been indifferent to what con-

cerned the interests of my country; devoted the best part of my life to obtain and support its independence, and constantly witnessed the patriotism, fidelity, and perseverance of my fellow-citizens on the most trying occasions, it is not for me to hesitate or abandon a cause in which my heart has been so long engaged.

"Convinced that the conduct of the government has been just and impartial to foreign nations, that those internal regulations, which have been established by law for the preservation of peace, are in their nature proper, and that they have been fairly executed, nothing will ever be done by me to impair the national engagements, to innovate upon principles which have been so deliberately and uprightly established, or surrender in any manner the rights of the government. To enable me to maintain this declaration, I rely, under God, with entire confidence on the firm and enlightened support of the national legislature, and upon the virtue and patriotism of my fellow-citizens."

The business which engaged both houses of Congress for the first fortnight of this session, was the preparing of an answer to Mr. Adams for this gracious speech. Messrs. Venable, Freeman, Griswold, Kittera, and Rutledge, were the committee appointed by the House of Representatives for that purpose. The three latter were truly federal; and the first report they gave in, was even too complaisant for many of the federal faction to suffer.

Mr. Nicholas, of Virginia, proposed an amendment, which tended to modify the approving panegyric contained in the answer. He said, that this was the most important crisis America had known since the declaration of its independence; and it would depend much upon the answer returned to the President's speech, whether we were to witness a similar scene of havoc and distress to that which was not yet forgotten. The situation in which we stood with respect to France, in his opinion, called for the most judicious proceedings; it was his wish to heal the breach, which was already too great; by temperate, rather than widen it by irritating measures.

He confessed, that he considered the answer reported to them, as going to decide the question of peace or war for this country—he thought it a thing of that sort which might have the worst possible consequence, and could have no good effect;

it might tend to irritate, to prevent any sort of inquiry or settlement taking place, but could not serve towards an adjustment of differences. What, said Mr. Nicholas, can be expected, if Americans act upon this temper? Their declaration with respect to France, will probably reach that country before an envoy can be sent to endeavour to negotiate a settlement of differences—why endeavour to frighten them, when we are the weakest power? He said, he did not mean to recommend humiliating measures; he would pledge himself not to submit to insult without redress, nor was any man more unwilling to make mean or improper concessions than he; but the language of moderation and justice he preferred to a boasting manner. If injury or error had been committed on the part of America, he wished it to be corrected. He considered it to be for the honour, credit, and interest of America, that the committee should go into a fair and full examination of the address before them, and he hoped that examination would take place.

Mr. Freeman, member for New Hampshire, after several preliminary observations, declared, he should vote for the amendment, as he saw nothing in it exceptionable—it did not contain, he said, an unqualified approbation of the measures of the executive, nor any undignified expressions. If the amendment should not prevail, still the original report might be so amended as to induce him perhaps to vote for it. He hoped a spirit of conciliation would obtain, and that unanimity might prevail on the occasion.

Mr. Edward Livingston,* of New York, in a speech of five hours, which it would be impossible to abridge, supported the amendment.

Mr. Gallatin was of opinion the debate had been extended on so wide a field, that the object which, in his mind, occupied the first place, was in some measure deprived of the full consideration which time and circumstances demanded; he thought those arguments which concerned the conduct of foreign nations towards each other, might as well have been omitted altogether, on the present occasion. The members

* This gentleman is a descendant of a Scotch family, who emigrated to America the beginning of last century. His great grandfather was a John Livingston, a Presbyterian clergyman, who made a conspicuous figure during the Reformation

of the committee might be made sensible of the irritation of such discussions, but he believed no one would pretend to say, he was fully informed of foreign concerns on either side, to decide upon their policy or impolicy. At the same time, it should be considered, that the situation of America, and the best policy to be pursued in her situation, were the only proper objects of our immediate attention, and those alone upon which the House should pretend to be properly informed, or to decide with effect.

The question before the House, he said, was the amendment proposed by the gentleman from Virginia (Mr. Nicholas), respecting which, we could not be too speedy in our decisions. The events on the other side of the Atlantic were so rapid, as not to be within our reach or control; we even did not know the events which had already taken place. He would not rely on the generosity of any nation in particular circumstances; and there was no knowing the extent to which success might lead men, under a mistaken impression of injury. America ought to lose no time. France had nearly overwhelmed all Europe by land—what she might do next, we did not know; whether she was just or unjust, we should at least not lose time in negotiation; and we ought the more readily to do this, because there was no man in America, of what party he might be, who would not resist, if resistance was required; therefore, he said, while the conflict remained doubtful, it became us to determine on our affairs; and as the amendment appeared to furnish the only grounds upon which negotiation was at all likely to be attended with the necessary effects of securing power and independence, they ought to be preserved.

Several other amendments having been proposed and carried, the following address was at length agreed to, and presented to the President by the members of the House of Representatives, on the 3d of June, who all walked in procession for that purpose:

"*To the President of the United States.*

"Sir,—The interesting details of those events which have rendered the convention of Congress at this time indispensable (communicated in your speech to both houses), has excited in us the strongest emotions. Whilst we regret the occasion,

we cannot omit to testify our approbation of the measure, and to pledge ourselves, that no consideration of private inconvenience shall prevent, on our part, a faithful discharge of the duties to which we are called.

"We have constantly hoped, that the nations of Europe, whilst desolated by foreign wars, or convulsed by intestine divisions, would have left the United States to enjoy that peace and tranquillity to which the impartial conduct of our government has entitled us; and it is now with extreme regret, we find the measures of the French republic tending to endanger a situation so desirable and interesting to our country.

"Upon this occasion, we feel it our duty to express, in the most explicit manner, the sensations which the present crisis has excited, and to assure you of our zealous co-operation in those measures which may appear necessary for our security or peace.

"Although it is the earnest wish of our hearts that peace may be maintained with the French republic, yet we never will surrender those rights which belong to us as a nation; and whilst we view with satisfaction the wisdom, dignity, and moderation which have marked the measures of the supreme executive of our country, in its attempts to remove, by candid explanations, the complaints and jealousies of France, we feel the full force of that indignity which has been offered our country in the rejection of its minister. No attempts to wound our rights as a sovereign state will escape the notice of our constituents. They will be felt with indignation, and repelled with that decision which shall convince the world that we are not a degraded people, that we can never submit to the demands of a foreign power, without examination and without discussion.

"Knowing, as we do, the confidence reposed by the people of the United States in their government, we cannot hesitate in expressing our indignation at any sentiments tending to derogate from that confidence. Such sentiments, wherever entertained, serve to evince an imperfect knowledge of the opinions of our constituents.

"Sensibly as we feel the wound which has been inflicted by transactions disclosed in your communication, yet we think with you, that neither the honour nor the interest of the United States forbids the repetition of advances for preserving peace.

"We therefore receive, with the utmost satisfaction, your information that a fresh attempt at negotiation will be instituted, and we cherish the hope, that a mutual spirit of conciliation, and a disposition on the part of France to compensate for any injuries which may have been committed on our neutral rights, and on the part of the United States to place France on grounds similar to those of other countries, in their relation and connexion with us, if any inequalities shall be found to exist, will produce an accommodation compatible with the engagements, rights, interest, and honour of the United States.

"Fully, however, impressed with the uncertainty of the result, we shall prepare to meet with fortitude any unfavourable events which may occur, and to extricate ourselves from their consequences, with all the skill we possess, and with all the efforts in our power. Believing with you, that the conduct of the government has been just and impartial to foreign nations, that the laws for the preservation of peace have been proper, and that they have been fairly executed, the representatives of the people do not hesitate to declare, that they will give their most cordial support to the execution of principles so deliberately and uprightly established.

"The many interesting subjects which you have recommended to our consideration, and which are so strongly enforced by this momentous occasion, will receive every attention which their importance demands; and we trust that, by the decided and explicit conduct which will govern our deliberation, every insinuation will be repelled which is derogatory to the honour and independence of our country.

"Permit us, in offering this address, to express our satisfaction at your promotion to the first office in the government, and our entire confidence that the pre-eminent talents and patriotism which have placed you in this distinguished situation, will enable you to discharge its various duties with satisfaction to yourself, and advantage to our common country."

The House having returned, went into a committee of the whole on the state of the union. The following propositions were brought forward, and their consideration occupied the attention of the House the greater part of the session:—

1st. That provision should be made for fortifying the ports

and harbours of the United States. The sum of seventy-five thousand dollars was voted for this purpose.

2d. That provision be made by law for completing and manning the frigates United States, Constitution, and Constellation.

3d. That provision be made by law for procuring by purchase a further naval force, to consist of three frigates and six sloops of war.

4th. That provision be made by law for empowering the President to employ the naval force of the United States, as convoys to protect the trade thereof.

5th. That provision be made for regulating the arming of merchant vessels of the United States.

6th. That the military establishment should be augmented by one regiment, a corps of artillerists and engineers, and several companies of dragoons.

7th. That provision be made for empowering the President to raise a provisional army, to consist of a certain number of regiments of infantry, one regiment of artillery, and one regiment of dragoons.

8th. That provision be made for authorizing the President to borrow money, for the defence and security of the United States.

9th. That a revenue be raised, adequate to the reimbursement of such sums as the President may borrow.

10th. That the exportation of arms, ammunition, and military stores, be prevented for a limited time.

On the 12th of June, the President of the United States sent a message to the House of Representatives, acquainting them that he had received information from the commissioners appointed on the part of the United States, pursuant to the third article of our treaty with Spain, that the running and marking of the boundary line between the colonies of East and West Florida, and the territory of the United States, had been delayed by the officers of his Catholic majesty; and that they had declared their intention to maintain his jurisdiction, and to suspend the withdrawing of his troops from the military posts they occupied within the territory of the United States, until the two governments should, by negotiation, settle the meaning of the second article, respecting the withdrawing of the troops, garrisons, or settlements of either party,

in the territory of the other; that is, whether, when the Spanish garrisons withdrew, they were to leave the works standing or to demolish them; and until, by an additional article to the treaty, the real property of the inhabitants should be secured; and likewise, until the Spanish officers were sure the Indians would be pacific.

The President mentioned, that in order to remove the first difficulty, he had resolved to leave the matter to the discretion of the officers of his Catholic majesty; and as to the second, he would cause an assurance to be published, that the settlers or occupants of the land in question should not be disturbed in their possessions by the troops of the United States, but on the contrary, that they should be protected in all their lawful claims. He also recommended to the consideration of the House, the expediency of creating a government in the midst of the Natchez, similar to that established for the territory north-west of the river Ohio, but with certain modifications, relative to titles in claims of land, whether of individuals or companies, or to claims of jurisdiction of any individual state.

Towards the close of the session, the attention of Congress was drawn to one of the most singular conspiracies that had hitherto been attempted in the United States: viz., a plan laid by William Blount, a senator, from the state of Tennessee, and Mr. Liston, the English minister, for the British to invade the Spanish territory from Canada, aided by men enlisted within the United States, and by the Indians. This mysterious affair was first brought to light by the following letter from Blount, to a person of the name of Carey, an Indian interpreter:

"Colonel King's Iron Works, April 21, 1797.

"Dear Carey—I wished to have seen you before I returned to Philadelphia; but I am obliged to return to the session of Congress, which commences on the 15th of May.

"Among other things I wished to have seen you about, was the business of Captain Chesholm, mentioned to the British minister last winter at Philadelphia.

"I believe, but am not quite sure, that the plan then talked of, will be attempted this fall; and if it is attempted, it will be in a much larger way than then talked of; and if the Indians act their part, I have no doubt but it will succeed. A man of consequence has gone to England about the business,

and if he makes arrangements as he expects, I shall have a hand in the business, and probably shall be at the head of the business on the part of the British. You are, however, to understand, that it is not yet quite certain that the plan will be attempted; you will do well to keep things in a proper train of action, in case it should be attempted, and to do so will require all your management—I say, all your management, because you must take care in whatever you say to Rogers, or anybody else, not to let the plan be discovered by Hawkins, Dinsmore, Byers, or any other person in the interest of the States of Spain.

"If I attempt this plan, I shall expect to have you, and all my Indian country, and all my Indian friends, with me; but you are now in good business, I hope, and you are not to risk the loss of it, by saying anything that will hurt you, until you hear from me. Where Captain Chesholm is, I do not know: I left him at Philadelphia in March, and he frequently visited the minister, and spoke upon the subject; but I believe he will go into the Creek nation by way of Carolina or Georgia —he gave out that he was going to England, but I did not believe him. Among other things that you may safely do, will be to keep my consequence with Watts, and the Creeks and Cherokees generally; and you must by no means say anything in favour of Hawkins, but as often as you can, with safety to yourself, you may teach the Creeks to believe that he is no better than he should be; any power or consequence he gets, will be against our plan. Perhaps Rogers, who has no office to lose, is the best man to give out talks against Hawkins. Read the letter to Rogers; if you think it best to send it to him, put a wafer in it, and forward it to him by a safe hand, or perhaps you had best send to him to come to you, and speak to him yourself respecting the state and prospect of things.

"I have advised you, in whatever you do, to take care of yourself—I have now to tell you to take care of me too, for a discovery of the plan would prevent the success, and much injure all parties concerned; it may be, that the commissioners may not run the line as the Indians may expect or wish, and in that case, the Indians may be taught to blame me for making the treaty.

"To such complaints against me, if such there are, it may

be said by my friends, at proper times and places, that Doublehead confirmed the treaty with the President, at Philadelphia, and receives as much as five thousand dollars a year, to be paid to the nation, over and above the first price: Indeed, it may with truth be said, that though I made the treaty, I made it by the instructions of the President; and, in fact, it may with truth be said, that I was by the President instructed to purchase much more land than the Indians would agree to sell.

"This sort of talk will be throwing all the blame off me, upon the President; and as he is now out of office, it will be of no consequence how much the Indians blame him. And among other things that may be said for me is, that I was not at the running of the line, and that if I had been, it would have been run more to their satisfaction. In short, you understand the subject, and must take care to give out the proper talks, to keep up my consequence with the Creeks and Cherokees. Can't Rogers contrive to get the Creeks to desire the President to take Hawkins out of the nation? for if he stays in the Creek nation, and gets the good-will of the nation, he can and will do great injury to our plans. When you have read this letter over three times, then burn it. I shall be at Knoxville in July or August, when I will send for Watts and give him the whiskey I promised him.

"WILLIAM BLOUNT."

After the above letter came into the hands of the President, application was made to the British minister for information on the subject: he at first professed entire ignorance of the affair, but at length acknowledged that application was made to him by several persons six months before, on this business; that he had laid their plan before his government, but that it had declined having anything to do with the business. He, however, refused to give up the names of the persons concerned. Mr. Blount attended in his place in the Senate, on the 6th of July, in consequence of an order from that House, and after a motion to inform the President and House of Representatives of the circumstance, he rose and read from a paper his sentiments on the subject of his letter. He said, that understanding an impeachment was to be brought against him for the part he was supposed to have taken in the con-

trivance of the British to invade the Spanish territory through the United States, he was determined to be silent in the present stage of the business, not doubting but in the end his character would come out pure, and defeat the malice of his enemies.

Mr. Ross brought up the report from the committee which had been appointed to investigate into this conspiracy; and, after recapitulating the points of the letter, stated that the criminality went beyond the personal conduct of the member, as senator; that it appeared that Carey was an agent in the pay of the United States, stationed within the Cherokee nation; that Hawkins was the superintendent of Indian affairs in behalf of the United States, and the others, severally, in similar situations; that the attempt to dissuade them from their duty, and the expression, that the proceedings should be kept hidden from the United States and Spain, evidently bespoke purposes not consistent with the peace of America. He concluded, that it was the opinion of the committee that William Blount should be expelled from his seat in the Senate, and that he was guilty of a high misdemeanor.

Mr. Blount requested the privilege of counsel, which, after a long debate, was granted—he proposed three, who were unanimously rejected—Messrs. Dallas and Ingersoll were at length chosen. On July the 7th, the Senate was engaged in discussing the resolution for his expulsion. The counsel on Blount's behalf contended, that as a motion for impeachment was pending, or past, in the House, the Senate, who were to sit as judges to decide it, ought not to prejudge the question.

Mr. Sitgreaves, in the name of the House of Representatives, and of the people of the United States, said, that he impeached Mr. Blount of high crimes and misdemeanors, and, in due time, would exhibit particular articles against him. Further, that the House demanded the Senate should take an order for the appearance of Mr. Blount, to answer to the said impeachment.

After a considerable debate on this motion, Mr. Blount entered into recognizance for his appearance, in the sum of 20,000 dollars—Pierce Butler and Thomas Blount, esquires, were accepted as his sureties.

On July the 8th, the motion was proposed in the Senate for expelling Mr. Blount. Messrs. Dallas and Ingersoll took

their seats at the bar of the House, as his counsel. Mr. Dallas commenced his defence in a very able address, which occupied more than three hours—Mr. Ingersoll followed him in a speech of nearly two hours. These gentlemen had recourse to every precedent which could be produced from history, and to every argument which ability and ingenuity could suggest. They particularly relied on the ground, that the punishment of an offender should in no case precede his trial, and that to expel Mr. Blount from his seat then, would be to do what could only be done, provided he was found guilty on the impeachment preferred, which, however, they denied the House of Representatives to prefer.

The defence being finished, Mr. Ross rose, and in a very luminous speech, examined all the arguments which had been adduced by the counsel, in order to show their want of solidity. He justified the expulsion of Mr. Blount from his seat, on the evidence which they had of his unworthiness to fill it, and appealed very forcibly to the feelings of the House as to the nature of the crime of which he stood charged, and as to what might have been the consequence, had his plans been carried into effect.

After some of the other members had delivered their opinions on the subject, Mr. Bloodworth moved to postpone the decision till Monday—the yeas and nays were taken upon the question, and it was negatived, 19 to 7. The question was then put on the expulsion, and carried by yeas and nays, 26 to 1; the negative vote was Mr. Tazewell's.

After this decision had taken place, Mr. Blount's bail delivered him up, and he was taken into the custody of the messenger of the House.

Mr. Blount was then held for his appearance, in a recognizance of one thousand dollars in himself, and five hundred each in two sureties. Both houses afterwards adjourned until the 2d Monday in November.

The following are the titles of the acts passed during this session of Congress:—

1. An act for prohibiting, for a limited time, the exportation of arms and ammunition, and for encouraging the importation thereof.

2. An act to prevent citizens of the United States from privateering against nations in amity with the United States.

3. An act to provide for the further defence of the ports and harbours of the United States.

4. An act authorizing a detachment of the militia of the United States.

5. An act, in addition to an act, entitled, "An act concerning the registering and recording ships and vessels."

6. An act directing the appointment of agents in relation to the sixth article of the British treaty.

7. An act providing a naval armament.

8. An act to ascertain the time for the next meeting of Congress.

Titles of Bills postponed till the next Session.

1. To prevent the arming of private ships, except in certain cases, and under certain regulations—rejected in the House of Representatives.

2. For raising and organizing an additional corps of artillerists and engineers—rejected in the House of Representatives.

3. To prevent citizens of the United States from entering into the military or naval service of any foreign prince or state—postponed in the House of Representatives.

4. To enable the President of the United States, under certain restrictions, to raise a provisional army—rejected in the Senate, where it originated.

5. To authorize the President of the United States to lay, regulate, and revoke embargoes—rejected in the Senate, where it originated.

6. To suspend, in part, the operation of an act, entitled, "An act for raising a further sum by additional duties on certain articles imported, and for other purposes"—rejected in the House of Representatives.

7. For arming, organizing, and disciplining, the militia of the United States—postponed in the House of Representatives.

Titles of Bills brought in, and not decided upon.

1. A bill laying duties on licenses for selling foreign wines and foreign distilled spirituous liquors by retail—passed in the House of Representatives.

2. A bill to continue in force, for a limited time, the act and parts of acts therein mentioned—passed in the House of Representatives.

3. A bill to authorize the President of the United States, during the recess of Congress, to provide galleys and other vessels, for certain purposes therein mentioned.

4. A bill making additional appropriations for the support of government for the year 1797.

5. A bill authorizing a loan of money.

6. A bill laying duties on stamped vellum, parchment, and paper.

7. A bill providing for the more effectual collection of certain internal revenues of the United States.

8. A bill respecting consuls and vice-consuls.

9. A bill allowing an additional mileage to the members of both houses.

10. A bill for laying an additional tax on salt imported.

CHAPTER IV.

Remarks on the meeting of Congress—History of the Algerine Treaty—Blount's Conspiracy investigated—British Piracy.

The convention of Congress at this period, appeared to impartial men of every party, as one of the most extraordinary occurrences in the infant history of the American republic.

When the treachery of Great Britain hurled upon us the fury of the Barbary powers, and, by bribery and corruption, stimulated the peaceful Indians to hostilities—when English pirates plundered our vessels, insulted our flag, and impressed our seamen, a war with Britain was cried down by the trumpet of federal proclamation. In place of Congress being summoned to listen to the thundering accents of a war-speech, a messenger was despatched to the court of Britain, robed with dignity, and armed with the power of forming an alliance, at the remembrance of which posterity will blush, and the virtues of Washington will sink into contempt.

The administration of France viewed with justice the duplicity of our proceedings; but with their usual magnanimity,

they overlooked it for a considerable time. Finding themselves, however, despised in the esteem of our men of power, and deserted by the executive, they remonstrated in the mildest and most pacific terms, against our usage and our ingratitude. When no satisfactory explanation was deigned to be given, they suspended the functions of their minister, and refused to receive one from us, unless some negotiation was entered upon. In short, they considered the cold indifference of our executive, and the acquiescence of our merchants to its measures, as just grounds for this proceeding, and a fit retaliation for the shameful conduct of the United States.

It is not my intention to justify France entirely in her depredations on our commerce; but if Adams and his party could defend the British scheme of adjudication, upon the grounds that the ruin of France was her main object, the candour of republicans ought to justify France upon a more liberal basis. The object of the French Directory extended no further than to injure the commerce of a power which aimed at the destruction of liberty, and which endeavoured to monopolize the produce of the world. But the utmost excesses of France never could be compared with the most trivial depredations of our English allies. American property was never confiscated, unless detected in an illicit trade. Our seamen were never impressed, much less flogged to death. The dungeons of despotism were never exposed to our patriots; nor was there an instance of an American citizen, as Jonathan Robbins, being demanded to die by the hands of a foreign executioner.

Mr. Adams, in his speech, spoke about foreign and domestic factions. Upon this, a writer in the Argus observed, "that as there was but one foreign and one domestic faction in the United States, it was wondrous strange that Mr. Adams should have held the monsters up to-day." "The British faction," says this writer, "was the only foreign faction, and the tory faction the only domestic faction America was cursed with." These factions admired John Adams because John Adams admired the British constitution, and cursed the French republic. They bestowed unbounded panegyrics upon Alexander Hamilton, because this gentleman acted the part of prime minister to the President. They thought the administration and the government ought to be confounded and identified; that the

administration was the government, and the government the administration; and that the people ought to bow in tame submission to its whim and caprice.

Mr. Adams says in his speech, that "it will be proper to take into view the public audience given to the late minister of the United States, on his taking leave of the Executive Directory," because, in his opinion, it was marked with indignities towards the government of the United States, and evinced a disposition to separate the people of the United States from the government; "that such attempts ought to be repelled with a decision which shall convince France and the world, that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honour, character, and interest."

This sentiment of Mr. Adams was soon re-echoed, both in church and senate, by his courtiers and sycophants. Nothing was heard of but intrigues between the people of the United States and France. A senator of Congress declared in convention, that he should be for making a law to banish every citizen of America that educated his children in the study of the French language. The author of the Serious Considerations on the Election of President, laboured for several Sundays together, endeavouring to persuade his audience that the genius of Frenchmen was deceit, and that every principle which savoured of French manners, was dangerous to the peace of society. In short, no stone was left unturned by the partisans of Mr. Adams, and the federal preachers of the gospel, to embroil the people of the United States in a war with the French republic. To effect this purpose, it has been proved, that agents of Britain clandestinely purchased American vessels, introduced them into French ports, and then sent them on buccaneering cruises under French colours, against the American trade.

What were the motives which dictated this policy to Mr. Adams and the federal party? Whether love for monarchy or a regard for the independence of America, I shall not attempt to decide; but will observe, that it was not only injudicious and short-sighted, but the most pernicious system that could be pursued by the first magistrate of a republican government.

I shall not leave it to the partisans of Mr. Adams to argue, that France had no right to impose laws upon America; this every candid inquirer will admit. Nor have the people of the United States any right to prescribe laws for France. Each nation is certainly thus far independent of each other; but while Adams, Pickering, and Jay, felt so strong a propensity to form treaties with foreign nations, and while our representatives proclaimed those treaties to be the supreme law of the land, a breach of treaty must be a violation of the laws of that land, with whom such treaties are made; but the breach was not so wide, as to justify the most distant apprehensions of a war with France. Those who imposed such ideas, were political impostors, who only aimed at amassing power and wealth upon the ruins of the people. The observations made by Mr. Monroe, on this subject, deserve to be impressed on the heart of every American; nor can I do better than repeat them here. "The contrast (says that elegant writer) between the situation we might have held through the whole of this war, and that which we have held, is a striking one. We might have stood well with France, avoiding all the losses we have sustained from her, enjoying the benefit of the principles of free trade, and even appeared as an advocate for those principles, and without going to any extremity; we might have preserved our ancient renown, bought at a great expense of blood and treasure, in a long war, in a contest for liberty, and even appeared as a defender of liberty, and without fighting for her; we might, too, in my opinion, have commanded a better fortune in our negotiation with Britain, and only by availing ourselves, in a suitable manner, of the fortunes of France; and, instead of a situation so advantageous, so honourable, so satisfactory to our country, what is that into which our government has conducted us? our navigation destroyed, commerce laid waste, and a general bankruptcy threatening those engaged in it; the friendship of a nation lost, the most powerful on earth, who had deserved better things from us, and had offered to place us, our vessels and commodities, on the footing of its native citizens, in all its dominions; war hanging over us, and that not on the side of liberty and the just affections of our people, but of monarchy and our late most deadly foe; and we are made fast by treaty, and by the spirit of those at the helm, to a nation bankrupt

in its resources, and rapidly verging either to anarchy or despotism. Nor is this all: our national honour is in the dust; we have been kicked, cuffed, and plundered all over the ocean; our reputation for faith scouted; our government and people branded as cowards, incapable of being provoked to resist, and ready to receive again those chains we had taught others to burst. Long will it be before we shall be able to forget what we are, nor will centuries suffice to raise us from the high ground from which we have fallen."

One of the most extraordinary acts which was committed by Washington, and approved of by the administration of Adams, was the Algerine treaty. This treaty was subscribed by the Dey and by Mr. Donaldson, upon the 5th of September, 1795. The Dey promised to observe it for an annual consideration of twelve thousand sequins, in maritime stores from the United States. A sequin is worth a dollar and about ninety-seven cents; of course, twenty-four thousand dollars could purchase maritime stores to the worth of twelve thousand sequins. On May the 6th, 1796, twenty-four thousand dollars per annum were pledged and appropriated for payment of the annuity—but it was immediately found out, that, by the estimate of the prices fixed between Donaldson and the Dey, the stores would cost three times as much in Philadelphia as they were reckoned at in Algiers. For instance, Donaldson promised to furnish powder at half a dollar per pound, at the very time that article sold in Philadelphia for three half dollars per pound; thus, by the gross ignorance of our envoy, the tribute was trebled.

The price of masts furnishes another instance of a similar nature. Donaldson estimated them at three hundred dollars each; but there is good reason to suppose that they could not be conveyed to Algiers, for a total charge of less than twelve or thirteen hundred dollars; some of them that had been cut within a few miles of the lake Otsego, in the state of New York, cost one hundred pounds per stick, for transportation from the place of their growth to the lake; from thence they were to be floated down the Susquehanna, which rises from that body of water. In May, 1797, a number of these masts had come down as far as Wright's ferry, in Pennsylvania—several had stuck upon the rocks. About Christmas, 1797, others were sold at the same ferry for twenty dollars, and

then sawed down into planks. Judge Cooper was the contractor for these masts; he got one or two of them transported by land to Philadelphia; there he offered to the person who carried them down, eighty dollars for the carriage, but to his astonishment, was informed, that twice that sum would be necessary. The masts themselves were a most beautiful specimen of the vegetation of an American forest; they were from ninety to a hundred feet in length, from three to four feet in diameter, without a single limb in the whole piece.

Before the Senate and the President had ratified such a treaty, prudence at least should have suggested to them the propriety of inquiring into the price of the different articles they had engaged to furnish. Their door-keepers might have informed them of the price of gunpowder, and certainly a carpenter might be found, whose knowledge in the price of timber would have given a guess for the charge of masts. This, however, is only a specimen of federal negligence, and of that unnecessary expense which prevailed in every transaction that took place during the period of the late administration.

The consequence was, that the twenty-four thousand dollars per annum could not purchase the maritime stores; of course, Congress found themselves reduced to the ridiculous necessity of passing a second act of appropriation. It was dated March 3d, 1797, and the second clause is in these words: "And be it further enacted, that a further sum, not exceeding ninety-six thousand two hundred and forty-six dollars and sixty-three cents, be, and the same is hereby appropriated, for discharging the two first years' annuity to the Dey and regency of Algiers, pursuant to treaty, in addition to the sum appropriated for that purpose, by the act of the 6th of May, 1796."

Thus, an additional tribute of fifty thousand dollars per annum was saddled upon this country by the incapacity of our envoy, and the negligence of our Senate.

But the most scandalous part of this most shameful treaty is yet to be told. The first clause of the law just quoted, authorizes the President "to apply a sum not exceeding two hundred and eighty thousand, two hundred and fifty-nine dollars and three cents, to the expenses which may have been incurred in any negotiations with the Dey and Regency of Algiers, beyond the sums heretofore appropriated."

The law contains not a single word of explanation, how this money should be applied; this was left to the discretion of Washington; and this general, who appears, in the latter end of his administration, to have had no will of his own, by the advice of Mr. Adams built a frigate for the tyrant of Algiers, to harass our trade whenever the tribute should not be regularly remitted.

This frigate, which was called the Crescent, was finished even before it was deemed necessary to consult Congress. In the American Annual Register for 1796, Mr. Callender takes notice that it was then upon the stocks, and the law which assigned the money to pay for it, was not passed for six weeks after the publication of the book. It is impossible that there could be a more glaring breach of the constitution than this here specified. By that instrument, of which the President swore to the observation, he is expressly prohibited from touching one farthing of the public money, unless for purposes pointed out beforehand by Congress. To demonstrate the President's imprudence, it is only requisite to read the clause last quoted. The very fractions, in the sum of the appropriations for the treble tribute, and for the Crescent, evidently show that every cent of the money had been expended before Congress had been consulted; because the legislature would not have stopped at three cents, unless it had been to meet some particular account.

How much of these two hundred and eighty thousand dollars went for the frigate I cannot specify. The Aurora of March 30, 1797, has a long article upon this tribute; the writer says, that the Crescent cost ninety-nine thousand seven hundred and twenty-seven dollars.

Another remarkable circumstance in this treaty is, that it does not say from what date the first year of payment was to commence, nor at what periods the stores were to be delivered. Besides the seventy-two thousand dollars per annum, and the two hundred and eighty thousand dollars of penalty, the Dey has received from the United States another and a very considerable disbursement, in consequence of Donaldson's treaty. A large sum of money was to be paid down to him, and it was the delay of making this payment that produced the building of the Crescent. On the face of the treaty there appears no mention of such a sum. Mr. Callender, who treats

this business to its very foundation, says, government was utterly ashamed of it, and did not wish the story to be staring in the statute book. He gives the following particulars as far as they can be traced:

"On March 20, 1794, a law was passed, authorizing the President to borrow one million of dollars, at an interest not exceeding five per cent., 'to be applied to such public purposes as are authorized by law.' The Bank of the United States is, by the same act, authorized to lend the money to the President.

"This act bears, in its very blush, the signals of hypocrisy. It is well known that no money can be borrowed at five per cent., and much less a million of dollars. But Congress knew that they were going to do something which was a little worse than ordinary, and this blind was held out with a view to divert the attention of their constituents from the real fact, and to excite admiration, to be sure, at their wonderful economy.

"The wording of this act is curious in another respect, in as much as it does not tell what was going to be done with the cash—eight hundred thousand dollars of it were to be employed in this infernal negotiation with the Dey of Algiers—the other two hundred thousand dollars went for other expenses of intercourse with foreign nations. On February 15, 1797, Mr. Wolcott gave a statement to Congress of what was become of these two hundred thousand dollars—this document fills eighteen pages—it is extremely interesting; but we must at this time attend the eight hundred thousand dollars in their perilous pilgrimage from Philadelphia to Algiers.

"What follows has been partly copied from the Aurora of March 30, 1797; and it must be observed, that although government has a host of writers in constant employment, this narrative was never contradicted. Indeed, the principal features of it are incontestably true; and, from the most respectable private information, I am satisfied of the strict accuracy of all the circumstances which are now to be related:

"These eight hundred thousand dollars were to be borrowed from the bank, which had no hard money to itself. But this company holds a great mass of national stock, and agreed to lend it to the government at par—in other words, the bank held the bill of government for twenty shillings; but this bill

would not sell in the market for more than seventeen shillings, or thereabouts. Government consented, however, to accept of it back again, as worth twenty shillings, and to give a second obligation for the million of dollars. This awkward practice of taking its own bills, and then going to market to sell them, is not, perhaps, quite intelligible to every reader. Government having now got hold of its own bills, the object was to raise money upon them—the bills might have been sold in America, but so great a quantity of them coming into the market at one time, would have reduced the price of stock, and several members of government are stockholders. The bills of government were, therefore, sent to London, and sold there at a lower price than what they would have sold for in the United States.

	Dols.	*Cts.*
The sum borrowed from the bank was	800,000	00
The Aurora says, that the government bills, that is, the national stock received from the bank, sold in London for only	685,572	22
Loss by the sale	114,427	78

"Sir Francis Baring, the banker in London, had, in the mean time, agreed to advance seven hundred and two thousand seven hundred and fifty-eight dollars, on account of this affair. In November, 1794, an attempt was made to get the money from England; but a proclamation had about that time been issued at London, prohibiting the exportation of bullion —this made it impossible to send the remittance in that shape. After a lapse of eight months, drafts were obtained upon Leghorn, Hamburgh, and Lisbon—at this juncture the French took Leghorn, but Bonaparte did not interrupt the transaction. By the course of exchange, however, thirty-seven thousand seven hundred and fifty-eight dollars were lost—the sum was thus reduced from seven hundred and two thousand and odd dollars, to six hundred and sixty-five thousand. The Aurora says, that this last sum, in its remittance to Algiers, was again reduced to six hundred and forty-two thousand five hundred dollars. We shall now add together these three successive sums of loss which those eight hundred thousand dollars sustained.

	Dols.	*Cts.*
1. The national paper was sold in London with a loss of	114,427	78
2. By the disadvantage of exchange in the drafts upon Leghorn,	37,758	81
3. Expense of conveyance to Algiers,	22,500	00
	174,686	59
But there is another item of expense; before the American public stock was sold, Sir F. Baring had promised to send to the continent	702,758	51
The paper sold for only	685,572	22
Difference,	17,186	29
It would be necessary for the government of America to make up the difference to their agents in London—add this to the former losses,	174,686	59
Total loss by the remittance,	191,872	88

Besides these one hundred and ninety-two thousand dollars of direct loss, the money wandered for more than twelve months upon its way —at six per cent. upon eight hundred thousand dollars, this interest comes to forty-eight thousand, and we cannot offer less than twelve thousand to the bankers in London for their trouble.

The former statement of loss was	191,872	88
Interest of the eight hundred thousand dollars for one year, and subjoining for agency to Baring,	60,000	00
Total,	258,872	88

"The conclusion of the whole matter is this; Congress transmitted to Algiers, six hundred and forty-two thousand five hundred dollars.

"The additional expense of sending this money, cost two hundred and fifty thousand dollars, or thereabouts."

Mr. Callender proceeds to remark, that if Mr. Washington had chosen to go into the market, and buy these eight hundred thousand dollars worth of stock from the common holders, a considerable sum would have been saved to the public. For instance, says he, if stock was at eighteen shillings per

pound, this makes an odds of one-tenth part; at that rate, his nominal eight hundred thousand dollars worth of it, could have been bought in for seven hundred and twenty thousand dollars of hard cash, if he had been master of that much money. In this way Mr. Pitt bought in some part of the national debt of England. But as the federal government could not take this method, it was necessary to go to the Bank of the United States, and there to borrow, not money, but depreciated paper. The paper was sold in England, at the ruinous discount of one hundred and fourteen thousand four hundred and twenty-seven dollars. Thus government granted its obligation to the bank for eight hundred thousand dollars, and could be obliged by the bank to refund every farthing of the sum, while it received in return depreciated paper; which it was obliged to sell again for less than seven hundred thousand dollars. The result was, that the bank did, in effect, receive upon the transaction a premium of about one hundred thousand dollars, more or less. The bank had only to go into the market, and buy, at about seventeen shillings and six pence per pound, as much paper as Mr. Washington wanted, and for which he gave an obligation at par, that is, at its full nominal value, of twenty shillings per pound.

From the whole history of the Algerine tribute, it is obvious, that our executive had no grounds to be so angry, even if the French did ask for a present in money, which, most probably, never was the case. To the Algerines we never were in the smallest degree indebted more than we have been to England; on the contrary, we have suffered from both nations; even in time of peace, our citizens have been impressed by the one, and enslaved by the other. Our commerce has been trampled upon by both, and our laws spurned with contempt. An American republican is as much despised in Britain as in Algiers, and regarded with the same insignificance as an African in the United States. A dereliction of his principles can only insure his person protection in London or Edinburgh. In the year 1794, thirty students from Virginia were nearly massacred, in the theatre of the latter metropolis, from their ignorance that it was the practice to give the same homage to the tune of God save the King, as the Christian pays to his Creator. Yet this is the nation in whose alliance Mr. Adams gloried, whose administration he adored, and the government of which he held up to his country as a model of perfection. In

speaking disrespectfully of Great Britain, I hope it will not be supposed I attempt to stigmatize the people of that kingdom. The king, the nobles, the army, and the priests, must be separated from the people. The individuals there, who are not connected with government, entertain principles equally liberal with Frenchmen or Americans, and the superior advantage of education which they enjoy, gives a rational firmness to the mind, which the mass of Americans is still unacqainted with.

The secret connexion which subsisted between Mr. Adams and the government of Great Britain, is nowhere more conspicuous than in the mysterious conspiracy of Senator Blount. In the history of modern intrigue, it is impossible to find a parallel to this: An English ambassador is proved, by his own confession, to have held a secret and illegal correspondence with members of the Senate—yet this ambassador is not only suffered by the President to exercise the usual functions of his office, but to conceal the names of those Americans who were to be his accomplices in the destruction of our country. A greater degree of friendship and intimacy even manifested itself between Mr. Adams and Mr. Liston after the discovery of this affair than before; their interviews were more frequent, and the dry formality of a courtly audience was exchanged for the familiar ceremony of domestic acquaintance. Nothing was more common than for the President of the United States and the ambassador of Great Britain to be seen arm and arm in the streets of Philadelphia, discussing the politics of the day, and contrasting the shrewd observations of Mr. Cobbett (as they were pleased to term them) with the scurrilous abuse of Mr. Duane.*

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* Mr. Duane had been the proprietor and editor of several newspapers in India; but the last, which was his sole property, was "*The Indian World*," by which he had realized a handsome fortune, and in September, 1794, advertised his whole standing property for sale, meaning, and publishing his intention, to return to Philadelphia. His property was to be sold on the 1st of January, 1795, and he had sought a passage in the Hercules, of Boston, Captain Delano, then lying at Calcutta, and to sail in all April.

At this time, Mr. Duane was on terms of the best good-will with most of the public characters in that part of India, and in the especial esteem of the gentlemen of the army, who had made his paper the vehicle by which their grievances were complained of, and which have since been redressed in the most ample manner. Mr. Duane had been particularly noticed by Sir William Jones, and Sir John Shore, and from both had received tokens of marked attention, which he considered flattering and honourable to him. On the evening of the 26th of December, 1794, a note was left at Mr. Du-

If we draw our attention a moment to the preparations which were carrying on in Britain, at the beginning of 1797, we shall see sufficient proofs of the reality of Blount's plan.

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ane's country-house, written by Captain John Collins, private secretary to Sir John Shore, inviting Mr. Duane to the governor-general's house, on the next day, at eight o'clock. Mr. Duane did not receive the note until the morning of the 27th, when on his way to the grand lodge of Masons, whose festival was on that day; he instantly proceeded to the governor-general's, expecting to breakfast there. He was met in the saloon by Captain Collins, and after salutations, the following circumstances took place:

Capt. Collins. I am glad you are so punctual, Mr. Duane.

Mr. Duane. I generally am, sir; I hope the governor-general is well.

Capt. C. He is not to be seen, and—

Mr. D. I understand I was invited by him.

Capt. C. Yes, sir, but I am directed by the governor-general to inform you, that you are to consider yourself as a state-prisoner. [He stamped on the floor, and thirty Sepahis, who stood concealed behind the folding doors of an anti-chamber, rushed out, and presented their bayonets to D.'s breast —the doors being left open by them, discovered Sir John Shore, and two others of the Supreme Council on a sofa.]

Mr. D. I did not think Sir John Shore, or you, sir, could be so base and treacherous as to proceed, or even to think as you do.

Capt. C. Silence, sir—(To the Sepahis), *Chillow Sepahi,* (in English, drag him along, Sepahis.)

Mr. D. (To the Sepahis) *Osti babaa-hum becjagga*—(softly, my friends, I shall go along with you)—(to Collins) What is to follow next, Collins; the bow-string or scimetar?

Capt. C. You are insolent, sir,—*Chillow joub, soor Marani*—(drag him along, you pig-eatings coundrels.)

Mr. D. You are performing the part of Grand Vizier, now, my little gentleman, and these are your mutes—Calcutta is become Constantinople, and the governor-general the Grand Turk.

Much more passed, but during the last sentences, Mr. Duane was conveyed down stairs, put into his palanquin, and his bearers beaten all the way to Fort William. There he was given in charge with ridiculous fuss—two sentinels placed at the outer door of the quarters (which were those of a field-officer), and a sentinel with a drawn bayonet, always by his side, asleep or awake. The day he was seized, was Saturday; on Monday morning following, a company of royal grenadiers paraded on the ramparts, and he was marched to the water side, where a company of royal light infantry was ready to receive him in a barge, upon which he was conducted to an armed Indiaman, commanded by Sir Charles Mitchell, and carried to Europe. No charge was ever lodged against him, but when at St. Helena he would not be permitted to go on shore there, being a *foreigner;* and when the vessel arrived in the English Channel, he was put on shore without obtaining a single word of information as to the cause. Though his property, on a moderate calculation, was worth eight thousand pounds sterling, beside outstanding debts to the amount of twenty-three thousand roupees, or thirteen hundred dollars, when he applied to one of the first lawyers in England to institute a suit for the recovery of it, the gentleman had the candour to ask how much money he had left; being told about two hundred pounds sterling, he returned a fee of twenty guineas, said that though the

Ten thousand troops were kept encamped for six months together, at Plymouth, for the ostensible purpose of proceeding to the West Indies; to the West Indies they never went, nor was there ever a rational apology assigned by Mr. Pitt for this unaccountable armament, who retained idle for such a period not only this army, but a fleet of one hundred transports, which lay ready to receive them. When we add to this, that in the spring of the same season, one regiment of artillery and three regiments of infantry were despatched to Canada, with fifty thousand stand of arms, what are we to suppose? Previous to 1797, there were sufficient troops and arms in Canada to keep the natives in subjection—something more must have been intended. There was no invasion dreaded in that quarter of the globe, from France, nor had Britain any enemies in that part of America to contend with. Some expedition or other must have been meditated to take place in Canada, and this expedition could only have been against the United States, or against Spanish America, through the medium of the United States. Such an enormous quantity of arms as fifty thousand stand could have been sent for no other purpose; the army of ten thousand men, if the expedition had taken place, would, most probably, have landed in South America, in place of the West Indies, so as to co-operate with the force from Canada, precisely according to the plan laid down by Senator Blount. What became of the British arms which were sent to Canada, we know not. Whether they are there still, or were afterwards sent back, is a matter upon which the English papers are silent.

I shall conclude this chapter with an account of the principal depredations committed on our commerce by British ves-

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case was one of the most extraordinary and oppressive he had ever heard of, he advised Mr. Duane not to attempt wasting what he had left, in a competition with the funds of the East India Company, who could spend forty thousand pounds without missing it. Several gentlemen had written from India to their friends in behalf of Mr. Duane, among others to Lord Lucan, who, in conversation with Mr. Duane, said that the only way to recover his property would be to go to Mr. Dundas, and make a disclosure of all that he knew concerning persons in India—this intimation might have been interpreted two ways, but the first impression which it made on Mr. Duane was that of *contempt;* he took his hat, and without saying a word, left him, and relinquished all hope of restitution for the robbery. In a few weeks afterwards Mr. Duane returned to his native country, and of course with very great cause to admire the constitution, laws, and order of the British government, domestic and foreign!

sels of war, from May 1797, until the meeting of Congress in November.

On the 23d of May, 1797, James Hammond, a native citizen of the United States, belonging to the American ship Hope, of New York, Michael Pierce, master, when on shore in the island of Madeira, was pressed by Captain James, of the British brig-of-war El-Corso, and carried forcibly on board in open day, before the house of the American consul, Mr. Pintard. Captain Pierce having applied to Mr. Pintard for redress, the latter waited upon the British vice-consul, who, at length, persuaded Captain James to deliver up Hammond; but the day before the Hope intended to sail, a boat's crew came again on board from the El-Corso and carried off five men, three of them Americans, one a Swede, and the other an Italian. Mr. Pintard remonstrated with the British consul upon the grossness of the insult, but received for answer, that all interference on his part would be in vain, for British captains supposed they had, when out of British ports, an unlimited authority to tyrannize over the rest of mankind. Captain Pierce then went to the British captain himself; but the only satisfaction he received, was to be thrown into prison along with the supercargo, for refusing to give the five men their wages.

On the 2d of June, 1797, a number of American captains, at Port-au-Prince, in St. Domingo, presented a petition to Governor Simcoe—they represented that eleven American vessels, with cargoes amounting to three hundred thousand dollars, had been captured by British privateers, and were then lying in that port in expectation of a trial—they had applied for it, and were told in answer, that they were to be sent for adjudication to Mole St. Nicholas. They state, that several of the vessels could not proceed to that place without considerable repairs, and that others had been abandoned by their crews; some with their cargoes were likewise in a state of suffering. Many of the petitioners being entire strangers, were reduced to inconveniences from want of money. Several crews and supercargoes were laid under the most distressing circumstances, from sickness, disappointment, and mortification.

The governor's answer was haughty and reproachful. He promised to recommend to the judge of the admiralty, Mr. Combauld, to decide their cases at an early period; but he

gave them no reason to suppose that there would be a court erected for that purpose at Port-au-Prince. He hoped that they would be acquitted of that contraband traffic, which many citizens of the United States carried on with the French government, in St. Domingo. He closed with telling them, that this illicit trade might, at no remote distance, seriously disturb the security of the American continent.

On the 27th of July, 1797, Nathaniel Silsbee, captain of the ship Betsey, wrote a letter to the printer of a Salem newspaper; he had arrived at Salem from Madras, three days before the date of the letter. At his departure, there were in that port nine English ships of war. One of them was the Sybille frigate, Captain Cook, who pressed from Captain Silsbee, Edward Hulen, a native of Salem. He also threatened, that if any complaint should be made by Silsbee to the governor on shore, he would not only take every seaman, but every officer from the Betsey. He did not commit this violence from scarcity of hands; for he told Captain Silsbee that he had thirty-five men over and above his ship's complement. He added, that he believed fifteen of them were real American citizens; that he had pressed them from on board of American ships at Lisbon, in spite of the remonstrances of the American consul at that place. Cook farther declared, that he would keep these men in perfect security till the end of the war.

After the impressment of Hulen, the Betsey was daily visited by a lieutenant from the Sybille; during his stay on board, this officer took full command of the ship, mustered the crew regularly on the quarter-deck, and would not suffer any ship's duty to be carried on at these times; he farther threatened to correct the American officers for not manning the ship's side, and paying him such respect, as, he said, the presence of any British officer ought to command.

The brig Two Sisters, Captain Conkling, of New York, on the 13th of August was boarded by the General Nicholl, a British letter-of-marque, Captain Morrison. Captain Conkling was ordered on board with his papers; Morrison, without deigning to examine them, put them in his chest, and went himself on board the brig, where he beat with his hanger every sailor, ordering them, at the same time, to declare the property to be French. Finding, however, such treatment in vain, he took the mate and the men on board, and put the

whole in irons, until he rifled the vessel completely. The brig, after being deprived of the most valuable part of her cargo, was afterwards dismissed.

The following is a summary of an account stated by Captain Dunlevy, who remained in Hispaniola, from the 9th of June to the 20th of October, 1797. Eighteen American vessels, with their cargoes, were condemned. Two of the captains of these ships were detained three months before they could get their papers, which could have been had with ease in three days, or a much less time; another of the captains died of grief; a nineteenth vessel, with her cargo, was sold to pay the costs of suit; a twentieth was cleared, but the cargo condemned.

These were the advantages America reaped from her alliance with monarchy. It is true, innumerable instances occurred, this summer, of like depredations on the part of France; but then it ought to be remembered, that we were in a state of war with that country, but at peace with England.

CHAPTER V.

Speech of the President — Address from the Senate — Blount's Conspiracy—Quarrel between Mr. Lyon and Mr. Griswold—Instances of a similar nature in the Parliament of Scotland, the House of Commons in England, and the Senate of Lucerne, in Switzerland—Communication from the President relative to the negotiation with France—Acts passed by Congress.

The House of Representatives met, according to their resolution of adjournment, on the second Monday of November; but a sufficient number of senators having not come forward to form a quorum until the 23d of November, no business of consequence was entered upon. About twelve that day, both houses being convened, the President delivered the following speech:

"*Gentlemen of the Senate, and*
"*Gentlemen of the House of Representatives,*

"I was for some time apprehensive that it would be necessary, on account of the contagious sickness which afflicted the city of Philadelphia, to convene the national legislature at some other place.

"This measure it was desirable to avoid, because it would occasion much public inconvenience, and a considerable public expense, and add to the calamities of the inhabitants of this city, whose sufferings must have excited the sympathy of all their fellow-citizens. Therefore, after taking measures to ascertain the state and decline of the sickness, I postponed my determination, having hopes, now happily realized, that, without hazard to the lives or health of the members, Congress might assemble at this place, where it was next by law to meet. I submit, however, to your consideration, whether a power to postpone the meeting of Congress, without passing the time affixed by the constitution, upon such occasions, would not be a useful amendment to the law of one thousand seven hundred and ninety-four?

"Although I cannot yet congratulate you on the re-establishment of peace in Europe, and the restoration of security to the persons and properties of our citizens from injustice and violence at sea, we have, nevertheless, abundant cause of gratitude to the Source of benevolence and influence, for interior tranquillity and personal security; for propitious seasons, prosperous agriculture, productive fisheries, and general improvements; and above all, for a rational spirit of civil and religious liberty, and a calm, but steady determination, to support our sovereignty, as well as our moral and religious liberty, against all open and secret attacks.

"Our envoys extraordinary to the French republic, embarked, the one in July, the other early in August, to join their colleague in Holland. I have received intelligence of the arrival of both of them in Holland, from whence they all proceeded on their journey to Paris, within a few days of the nineteenth of September. Whatever may be the result of this mission, I trust that nothing will have been omitted on my part, to conduct the negotiation to a successful conclusion, on such equitable terms, as may be compatible with the safety, honour, and interest, of the United States. Nothing, in the

mean time, will contribute so much to the preservation of peace, and the attainment of justice, as a manifestation of that energy and unanimity, of which, on many former occasions, the people of the United States have given such memorable proofs, and the exertion of those resources for natural defence, which a beneficent Providence has kindly placed within their power.

"It may be confidently affirmed, that nothing has occurred since the adjournment of Congress, which renders inexpedient those precautionary measures recommended by me to the consideration of the two houses, at the opening of your late extraordinary session. If that system was then prudent, it is more so now, as increasing depredations strengthen the reasons for its adoption.

"Indeed, whatever may be the issue of the negotiation with France, and whether the war in Europe is or is not to continue, I hold it most certain, that permanent tranquillity and order will not soon be obtained. The state of society has so long been disturbed, the sense of moral and religious obligations so much weakened, public faith and national honour have been so impaired, respect to treaties has been so diminished, and the law of nations has lost so much of its force; while pride, ambition, avarice, and violence, have been so long unrestrained, there remains no reasonable ground on which to raise an expectation that a commerce without protection or defence will not be plundered.

"The commerce of the United States is essential, if not to their existence, at least to their comfort, their growth, prosperity, and happiness. The genius, character, and habits, of the people are highly commercial; their cities have been formed and exist upon commerce; their agriculture, fisheries, arts, and manufactures, are connected with, and depend upon it. In short, commerce has made this country what it is, and it cannot be destroyed or neglected without involving the people in poverty and distress—great numbers are directly and solely supported by navigation—the faith of society is pledged for the preservation of the rights of commercial and seafaring, no less than of the other citizens. Under this view of our affairs, I should hold myself guilty of a neglect of duty, if I forbore to recommend that we should make every exertion to protect our commerce, and to place our country in a suitable posture of defence, as the only sure means of preserving both.

"I have entertained an expectation that it would have been in my power, at the opening of the session, to have communicated to you the agreeable information of the due execution of our treaty with his Catholic majesty, respecting the withdrawing of his troops from our territory, and the demarcation of the line of limits. But by the latest authentic intelligence, Spanish garrisons were still continued within our country, and the running of the boundary line had not been commenced. These circumstances are the more to be regretted, as they cannot fail to affect the Indians in a manner injurious to the United States. Still, however, indulging the hope that the answers which have been given will remove the objections offered by the Spanish officers to the immediate execution of the treaty, I have judged it proper that we should continue in readiness to receive the posts, and to run the line of limits.

"Further information on this subject will be communicated in the course of the session.

"In connexion with this unpleasant state of things on our western frontier, it is proper for me to mention the attempts of foreign agents to alienate the affections of the Indian nations, and to excite them to actual hostilities against the United States. Great activity has been exerted by these persons, who have insinuated themselves among the Indian tribes residing within the territory of the United States, to influence them to transfer their affections and force to a foreign nation; to form them into a confederacy, and to prepare them for war against the United States.

"Although measures have been taken to counteract these infractions of our rights, to prevent Indian hostilities, and to preserve entire their attachment to the United States, it is my duty to observe, that to give a better effect to these measures, and to obviate the consequences of a repetition of such practices, a law providing adequate punishment for such offences may be necessary.

"The commissioners appointed under the fifth article of the treaty of amity, commerce, and navigation, between the United States and Great Britain, to ascertain the river which was truly intended under the name of St. Croix, mentioned in the treaty of peace, met at Passamaquoddy Bay, in October, 1796, and viewed the mouths of the rivers in question, and the adjacent shores and islands, and being of opinion that actual surveys of both rivers to their sources were necessary,

gave to the agents of the two nations instructions for that purpose, and adjourned to meet at Boston in August. They met, but the surveys requiring more time than had been supposed, and not being then completed, the commissioners again adjourned to meet at Providence, in the state of Rhode Island, in June next, when we may expect a final examination and decision.

"The commissioners appointed in pursuance of the sixth article of the treaty, met at Philadelphia in May last, to examine the claims of British subjects, for debts contracted before the peace, and still remaining due to them from citizens or inhabitants of the United States. Various causes have hitherto prevented any determinations; but the business is now resumed, and doubtless will be prosecuted without interruption.

"Several decisions on the claims of citizens of the United States, for losses and damages sustained by reason of irregular and illegal captures or condemnations of their vessels or other property, have been made by the commissioners in London, conformably to the seventh article of the treaty. The sums awarded by the commissioners have been paid by the British government. A considerable number of other claims, where costs and damages, and not captured property, were the only objects in question, have been decided by arbitration, and the sums awarded to the citizens of the United States have also been paid.

"The commissioners appointed agreeably to the twenty-first article of our treaty with Spain, met at Philadelphia in the summer past, to examine and decide on the claims of our citizens for losses they have sustained, in consequence of their vessels and cargoes having been taken by the subjects of his Catholic majesty, during the late war between Spain and France: their sittings have been interrupted, but are now resumed.

"The United States being obligated to make compensation for the losses and damages sustained by British subjects upon the award of the commissioners acting under the sixth article of the treaty with Great Britain, and for the losses and damages sustained by British subjects, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the United States and brought into their ports, or taken by vessels originally armed in ports of the United

States, upon the awards of the commissioners acting under the seventh article of the same treaty, it is necessary that provision be made for fulfilling these obligations.

"The numerous captures of American vessels by the cruisers of the French republic, and of some by those of Spain, have occasioned considerable expenses in making and supporting the claims of our citizens before their tribunals. The sums required for this purpose have, in divers instances, been disbursed by the consuls of the United States. By means of the same captures, great numbers of our seamen have been thrown ashore in foreign countries, destitute of all means of subsistence; and the sick in particular have been exposed to grievous sufferings.

"The consuls have in these cases also advanced moneys for their relief. For these advances they reasonably expect reimbursements from the United States.

"The consular act relative to seamen requires revision and amendment—the provisions for their support in foreign countries, and for their return, are found to be inadequate and ineffectual. Another provision seems necessary to be added to the consular act. Some foreign vessels have been discovered sailing under the flag of the United States, and with forged papers. It seldom happens that the consul can detect this deception; because they have no authority to demand an inspection of the register and sea-letters.

"*Gentlemen of the House of Representatives,*

"It is my duty to recommend to your serious consideration, those objects which by the constitution are placed particularly within your sphere, the national debt and taxes.

"Since the decay of the feudal system, by which the public defence was provided for chiefly at the expense of individuals, the system of loan has been introduced. And as no nation can raise within the year by taxes, sufficient sums for its defence and military operations in time of war, the sums loaned and debts contracted have necessarily become the subject of what have been called funding systems.

"The consequences arising from the continual accumulation of public debts in other countries, ought to admonish us to be careful to prevent their growth in our own. The national defence must be provided for, as well as the support of govern-

ment; but both should be accomplished as much as possible by immediate taxes, and as little as possible by loans.

"The estimates for the service of the ensuing year, will, by my direction, be laid before you.

"*Gentlemen of the Senate, and*
"*Gentlemen of the House of Representatives,*

"We are met together at a most interesting period. The situations of the principal powers of Europe are singular and portentous; connected with some by treaties, and with all by commerce, no important event there can be indifferent to us. Such circumstances call with peculiar importunity, not less for a disposition to unite in all those measures on which the honour, safety, and prosperity of our country depend, than for all the exertions of wisdom and firmness.

"In all such measures, you may rely on my zealous and hearty concurrence."

After the President retired, the House proceeded to the choice of a chaplain. The persons nominated, were Dr. Green, Dr. Priestly, Dr. Blair, General Williams, and Mr. Ustick. When the votes were examined, Dr. Green was found to have 53, and none of the rest more than six—he was of course duly elected.

On Friday, the 24th, Mr. Harper moved for an address to the communications of the President. He was opposed by Mr. Lyon, who showed very forcibly the absurdity, and the expense incurred to the nation, by establishing a custom of debating ten or fourteen days, as in the last session, about the wording of an answer to the President's speech. The motion of Mr. Harper was, however, carried; and after a week's deliberation, an answer was agreed to nearly similar to the one presented by the Senate. Of the two, this deserves more particular notice, as it will show the state of humble submission to which the Senate (a body that ought to have retained some appearance of dignity) descended in the late administration:

"Sir:—The communications you have thought proper to make in your speech to both Houses of Congress, on the opening of their present session, afford additional proofs of the attention, integrity, and firmness which have marked your official character.

"We cannot but approve of the measures you had taken to ascertain the state and decline of the contagious sickness which has so lately afflicted the city of Philadelphia, and the pleasing circumstance that Congress is now assembled at that place, without hazard to the health of its members, evinces the propriety of your having postponed a determination to convene the national legislature at any other place—we shall take into consideration the law of 1794, on this subject, and will readily concur in any amendment which may be deemed expedient.

"It would have given us much pleasure to have received your congratulations on the re-establishment of peace in Europe, and the restoration of security to the persons and properties of our citizens from injustice and violence at sea. But though these events, so desirable to our country and the world, have not taken place, yet we have abundant cause of gratitude to the Great Disposer of human events, for interior tranquillity and personal security; for propitious seasons, prosperous agriculture, productive fisheries, and general improvement; and above all, for a rational spirit of civil and religious liberty, and a calm, but steady determination to support our sovereignty against all open and secret attacks.

"We learn with satisfaction, that our envoys extraordinary to the French republic, had safely arrived in Europe, and were proceeding to the scene of negotiation; and whatever may be the result of the mission, we are perfectly satisfied that nothing on your part has been omitted, which could in any way conduce to a successful conclusion of the negotiation, upon terms compatible with the safety, honour, and interest of the United States; and we are fully convinced, that in the mean time, a manifestation of the unanimity and energy of which the people of the United States have given such memorable proofs, and a proper exertion of those resources of national defence which we possess, will essentially contribute to the preservation of peace and the attainment of justice.

"We think, sir, with you, that the commerce of the United States is essential to the growth, comfort, and prosperity, of our country; and that the faith of society is pledged for the preservation of the rights of commercial and seafaring, no less than of other citizens; and even if our negotiation with France should terminate favourably, and the war in Europe cease, yet the state of society which unhappily prevails in so

great a portion of the world, and the experience of past times under better circumstances, unite in warning us that a commerce so extensive, and which holds out so many temptations to lawless plunderers, can never be safe without protection and defence; and we hold ourselves obliged by every tie of duty which binds us to our constituents, to promote and concur in such measures of marine defence as may convince our merchants and seamen that their rights are not sacrificed, nor their injuries forgotten.

"We regret that notwithstanding the clear and explicit terms of the treaty between the United States and his Catholic majesty, the Spanish garrisons are not yet withdrawn from our territory, nor the running of the boundary line commenced.

"The United States have been faithful in the performance of their obligations to Spain, and had reason to expect a compliance equally prompt on the part of that power. We still, however, indulge the hope that the convincing answers which have been given to the objections stated by the Spanish officers to the immediate execution of the treaty, will have their proper effect, and that this treaty, so mutually beneficial to the contracting parties, will be finally observed with good faith—we, therefore, entirely approve of your determination to continue in readiness to receive the posts, and to run the line of partition between our territory and that of the king of Spain. Attempts to alienate the affections of the Indians, to form them into actual hostility against the United States, whether made by foreign agents or by others, are so injurious to our interests at large, and so inhuman with respect to our citizens inhabiting the adjacent territory, as to deserve the most exemplary punishment, and we will cheerfully afford our aid in framing a law which may prescribe a punishment adequate to the commission of crimes so heinous.

"The several objects you have pointed out to the attention of the legislature, whether they regard our internal or external relations, shall receive from us that attention which they merit, and we will readily concur in all such measures as may be necessary, either to enable us to fulfil our engagements at home or to cause ourselves to be respected abroad; and at this portentous period, when the powers of Europe, with whom we are connected by treaty or commerce, are in so critical a situation, and when the conduct of some of those powers towards the United States is so hostile and menacing, the

several branches of the government are, in our opinion, called upon with peculiar importunity to unite, and, by union, not only to devise and to carry into effect these measures, on which the safety and prosperity of our country depend, but also to undeceive those nations, who, regarding us as a weak and divided people, have pursued systems of aggression inconsistent with a state of peace between independent nations. And, sir, we beg leave to assure you, that we derive a singular consolation from the reflection, that at such a time the executive part of our government has been committed to your hands; for in your integrity, talents, and firmness, we place the most entire confidence."

To this address the President was pleased to give a few words in reply, complimenting them in his turn, upon their wisdom, their penetration, and independent spirit.

The House of Representatives delivered their address the day following, and received the honour of tasting the wine and breaking the bread of the President. Mr. Lyon, of Vermont, was the only member who had the firmness to refuse attending this procession.

The first important business which came before Congress this session, was the conspiracy of Governor Blount. Mr. Sitgreaves, on the 4th of December, brought up the report from the committee which had been appointed for the purpose of collecting evidence relative to this subject. In their report the committee state, that soon after their appointment, they received a trunk from J. Ross, Esq., containing sundry papers belonging to William Blount, which had been seized by order of the Senate. From a perusal of these papers, it appeared that one Nicholas Romayne, a practitioner of physic in New York, was intimately connected with Blount. They, therefore, conceived it to be their duty to secure the person of Romayne, and for that purpose issued a writ, the execution of which they placed in the hands of the secretary of state, who appointed Captain W. Eaton messenger on the occasion. This messenger returned with Romayne and his papers, which he also seized on the 10th of July. Mr. Romayne, after being examined, gave security for his appearance before the Senate on the trial of Blount.

Major Lewis was appointed by the committee to secure James Carey and one James Grant, who also appeared to have

had connexions with Blount. Mr. William Davy, of Philadelphia, was examined respecting a Mr. Chisholm, who sailed for London in a vessel chartered by him, having his passage paid by Mr. Liston. Mr. Davy recollected a conversation which passed between Mr. Chisholm and Mr. Thornton, the deputy of Mr. Liston, who promised Chisholm the command of a squadron to act against Pensacola. He also produced a letter from his brother in London, mentioning that Chisholm endeavoured to get money from him; but before he gave him any, he applied to Lord Grenville's office, to know if he had got any money from thence, and finding they had supplied him largely, he declined letting him have any.

The deposition of Dr. Romayne was nearly as follows: He stated that he had been acquainted with Mr. Blount since 1782; that his first acquaintance with Chisholm, was whilst in treaty with Mr. Blount in land speculation. Some time afterwards, he intended going to London to sell lands, but abandoned that design, owing to property falling in price. He said Governor Blount promised to procure a bill to enable aliens to hold land in the state of Tennessee. He confessed that Blount used often to regret that the English did not possess Louisiana, and spoke of going to England on that business, for that they had much better possess it than the French; that it was agreed on between Blount and himself, to sound certain persons in Philadelphia, as well as in Virginia, and the southern states, on this subject; but that the whole business had been dropped for some time by Blount's neglecting to answer his letters.

The letters which passed between Blount and Romayne have dates from February to May, 1797, and were chiefly on the project of going to England on the business of Louisiana. In these letters, Dr. Romayne frequently speaks with confidence of success, and often remarks upon the critical situation of the European powers, and the improbability of peace.

Several letters passed between Romayne and Mr. Liston, but the former acknowledged their being destroyed, except the following one, which, of itself, is a sufficient proof of the conspiracy on the part of the British minister.

PHILADELPHIA, 28th April, 1797.

"I am much indebted to you, sir, for your friendly letter of the 14th of this month, enclosing one from Mr. Pulteney,

whose good opinion gives me high satisfaction. (That letter is now returned.)

"Taking it for granted that I understand to what business you allude, I could wish to have a full examination of your sentiments on the subject. It may be done, I think, in writing; you may depend on secrecy and discretion on my part.

"The general sketch of what has taken place here, is, that a person came to me to make certain important propositions of enterprize, to which I listened, but said I had no power to act.

"He appeared to be determined and active, though illiterate and unfit to assume command.

"He urged to have my consent to go to Europe, to tell his own story, to which I consented (though with some hesitation) not thinking myself authorised to give a positive refusal.

"It strikes me that if a person of confidence, with proper authority from home, were to accompany him to the scene of action, something might probably be effected.

"Information of every sort will be gratefully received.

"N. B. I have no intention of sending my secretary anywhere.

"Believe me, with great truth and regard, sir, your most obedient, humble servant,

ROBERT LISTON.

"DR. ROMAYNE."

The charges exhibited by the House of Representatives against William Blount, are contained in the five following articles:

"ARTICLE I.

"That whereas, the United States, in the months of February, March, April, May, and June, 1797, were at peace with his Catholic Majesty, the King of Spain; and whereas, during the months aforesaid, his said Catholic Majesty and the King of Great Britain were at war with each other; yet he the said William Blount, though a senator of the United States, did conspire, within its territories, to carry on a military expedition against the dominions of his Catholic Majesty in the Floridas and Louisiana, for the purpose of conquering the same for the King of Great Britain.

"ARTICLE II.

"That whereas, on the 27th of October, 1795, a treaty of friendship, limits and navigation, was concluded between the United States and his Catholic Majesty, by the 5th article of which, it was agreed that the two contracting parties should maintain peace and harmony among the Indian nations who inhabit the country adjacent to the two Floridas. Yet the said Mr. Blount, disregarding the stipulations of said treaty, did conspire to excite the Creek and Cherokee Indians to commence hostilities against the subjects of his Catholic Majesty in the Floridas and Louisiana, for the purpose of reducing the same to the dominion of the King of Great Britain, with whom his Catholic Majesty was at war.

"ARTICLE III.

"That whereas, by the ordinances of Congress for regulating trade and intercourse with the Indian tribes, it has been made lawful for the President of the United States, in order to insure the continuance of the friendship of the said Indian tribes, to appoint temporary agents to reside among them; and whereas, in pursuance of the said authority, he did appoint Benjamin Hawkins to be principal temporary agent for Indian affairs within the Indian nations south of the River Ohio—yet the said William Blount did, in the prosecution of his criminal designs, contrive to alienate the confidence of the said Indian tribes from Benjamin Hawkins, contrary to the duty of his trust and station as a senator of the United States.

"ARTICLE IV.

"That whereas, by the ordinances of Congress it is made lawful for the President to establish trading houses at such places on the western and southern frontiers as he shall judge most convenient for carrying on a liberal trade with the Indian nations, and to appoint an agent in each trading house, with such clerks as may be necessary for the execution of the said acts, he did appoint James Carey to be the interpreter for the United States to the Cherokee nation; yet the said William Blount did contrive, by bribery and corruption, to lead off the said James Carey from the duties of his office.

"ARTICLE V.

"That whereas, certain tribes or nations of Indians inhabit within the territorial limits of the United States, between whom and the settlements of the United States certain boundary lines have been agreed upon, to separate the lands and possessions of the said Indians from the lands and possessions of the United States; and, whereas, it was further stipulated that the boundary line should be ascertained and marked by three persons appointed on the part of the United States, and three Cherokees on the part of their nation; yet the said William Blount did contrive to create and foment discontents and disaffection among the said Indians towards the government of the United States, in relation to the ascertainment and marking of the said boundary line, contrary to the duty and trust of his station as senator of the United States, and against the peace and interests thereof."

The following gentlemen were appointed by the House as managers to conduct the impeachment against Mr. Blount: Mr. Sitgreaves, Mr. Bayard, Mr. Harper, Mr. Gordon, Mr. Pinckney, Mr. Dana, Mr. Sewall, Mr. Hosmer, Mr. Dennis, Mr. Evans and Mr. Imlay.

During the ballot of their election an unfortunate quarrel took place between two members, Mathew Lyon, of Vermont, and Roger Griswold, which occupied the attention of the house for several weeks after. The committee of privileges, who were instructed to inquire into the conduct of these gentlemen, made the following report on the second of February:

That during the sitting of the house on the 30th of January, when the tellers of the house were engaged in counting the ballots for managers of the impeachment against William Blount, Mr. Lyon was standing without the bar of the house, and in conversation with the speaker, who had left his seat as is usual on such occasions; the subject of his conversation was the conduct of the representatives of the State of Connecticut, of whom Mr. Griswold was one. Mr. Lyon declared that they acted in opposition to the interests and opinions of nine tenths of their constituents; that they were pursuing their own private views, without regarding the interests of the people of that state; that they were seeking offices which they were willing to accept, whether yielding 9000 or 1000 dollars.

He further observed, that the people of that state were blinded and deceived by those representatives; that they were permitted to see but one side of the question in politics, being lulled asleep by the opiates which the members from that State administered to them, with other expressions equally tending to derogate from the political integrity of the representatives of Connecticut.

On Mr. Lyon's observing, that if he should go into Connecticut, and conduct a letter press there for six months, although the people of that state were not fond of revolutionary principles, he could effect a revolution, and turn out the present representatives, Mr. Griswold replied, "if you go into Connecticut, Mr. Lyon, you had better wear your wooden sword," alluding to Mr. Lyon's having been cashiered in the army.

Mr. Lyon did not notice the allusion at the time, but continued the conversation; Mr. Griswold then left his seat and stood next to Mr. Lyon, leaning on the bar, but being outside of the same.

On Mr. Lyon's saying, he knew the people of Connecticut well, having lived among them many years; that he had frequent occasion to fight them in his own district, and that he never failed to convince them—Mr. Griswold asked if he fought them with his wooden sword; on which Mr. Lyon spit in his face.

The House was engaged in the investigation of this unimportant affair until the 28th of February. A motion was made for the expulsion both of Mr. Lyon and Mr. Griswold, but it was finally negatived; and the two disorderly members were allowed to retain their seats, without ever receiving a reprimand for their conduct. However Mr. Lyon may be respected for his firmness in adhering to the rights of his country, his conduct on this occasion must be regarded by every impartial person, to have been as equally unwarrantable and unbecoming the dignity of a member of Congress as the behaviour of Mr. Griswold. Perhaps the punishment of expulsion might be supposed to affect the rights of their constituents, but certainly a moderate fine, and a reprimand from the speaker, ought to have been the lightest apology admitted of.

Similar instances of indecorous behaviour have occurred in the parliaments of Britain, and the national assemblies of other countries; but they have been always attended with the

marked disapprobation of the assembly insulted. During the contest that took place in the Scotch parliament relative to the union of that country with England, a furious jacobite tory tossed the wig of his political opponent into the fire. The offender, whose name was M'Donald, was condemned by a vote of the House to be incapable of wearing a wig on his head, a sword by his side, or affixing his arms to any written document for the space of one twelvemonth after the transgression.

In the reign of James I. of England, a motion was made in the House of Commons to supply the Welch members with pocket handkerchiefs; owing to several indecencies that were daily practised by these mountaineers.

In Lucerne, in Switzerland, in the year 1792, a democratical member entered the Senate, with the three-coloured ribbon flying at his breast. This assembly, who were all, excepting a few individuals, attached to aristocracy, evinced their displeasure by a low hooting and hissing; one, however, who could not govern so easily his passion, walked up to the republican member, and tore off, in a forcible manner, the ensign of liberty. The aristocrat was instantly called to order, underwent a trial for disorderly behaviour in the Senate, and was fined in a sum of three hundred florins.

The next business of importance which occupied the attention of Congress, was a communication of the President, respecting the dispatches which he had received from the envoys extraordinary of the United States to the government of France. These papers were laid before the public by an order of the Senate on the 5th of April. Before their communication, a thousand reports were industriously circulated, tending to place the conduct of the French Directory in the most odious light—even members themselves, were found base enough to give by letter and otherwise, impressions of their contents very different from the truth. It was publicly declared, and that on the authority of a member, that twelve millions of dollars had been demanded, as a condition on which a negotiation would be opened. This furnishes a striking proof of the hostile disposition which our executive entertained towards the French republic, and of its determination, at all events, to bring about a war between the two countries. The limits of this volume preclude the possibility of inserting these

official papers; but the following is a correct summary of their substance:—

On the 4th of October, 1797, Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, arrived in Paris, as envoys extraordinary from the United States of America, to the French republic. On the 6th, they communicated their appointment by an official letter to Talleyrand, minister of foreign affairs; and on the 8th, they waited upon this minister, and delivered their letters of credence—he informed them that he was, by order of the Directory, preparing a report of the situation of the United States with regard to France, and when finished, he would acquaint them with the steps that were to follow. Cards of hospitality were then given to them in a style suitable to their official character.

On the 11th of November, the envoys wrote an official letter to Talleyrand, complaining of having not yet received any reply from him or the Directory, of the situation in which they were thus left. Not obtaining an answer, they sent their secretary, Major Rutledge, to Talleyrand, who informed Major Rutledge, that he had communicated the letter of the envoys to the Directory, and they would direct him what steps to take.

This was the whole of the official intercourse our envoys had with the French government. By letter, dated the 24th of December, they inform our secretary of state that they were resolved, if on the 10th of January they had no official answer to their letter, to write to Talleyrand, stating the object of their mission, and discussing the subject of difference between the two nations in like manner as if they had been actually received; and to close the letter with requesting the government to open the negotiation with them, or to grant them their passports.

The last letter of the envoys to our government is dated 8th January, and therefore prior to the letter which they intended to write.

Between the 14th of October and the 1st of November, some gentlemen (whose names are not communicated by the executive to Congress, but who are designated by the letters W. X. Y. and Z.) were introduced to our envoys, and two of them, Mr. X. and Mr. Y. stated that they had messages from Mr. Talleyrand, who was desirous that a reconciliation should take place, and that they would suggest plans for that purpose.

The substance of their proposals was, that the Directory, and particularly two of the members of it, were exceedingly irritated at some passages of the President's speech of the 16th of May past; that an explanation of some parts, and a reparation of others (which parts were designated) should be made; that in lieu of reparation for the speech, the Directory would accept money; that is to say, a loan for the use of the French republic, of 32,000,000 florins (equal to 12,800,000 dollars) and besides that, a sum of money by way of douceur, for the pocket of the Directory and ministers, which might be at the disposal of Mr. Talleyrand, equivalent to 1,200,000 livres, or fifty thousand pounds sterling; that commissioners should be appointed to ascertain the claims of the United States in like manner as under our treaty with England, excepting those condemned for want of a role d'equipage, which must be left a subject of negotiation; and that France should, by a new treaty, be put upon the same footing as England. It was also stated by the same gentleman, and especially by Mr. Y. (who is called a confidential friend of Talleyrand, but who stated that he had no official character) that the loan to be made should be executed by the United States, purchasing from the French republic at par, a quantity of stock, bearing five per cent interest, paid by Holland to France, known by the name of Dutch rescriptions, and which at market was worth only ten shillings in the pound,

It was also demanded, that our government should advance to our citizens the amount of indemnifications to be paid for illegal captures by France, the said amount to be afterwards repaid by France to our government; and it was added, that it would be extremely proper that the amount of indemnifications thus paid to our citizens, should again be by them applied in new supplies to the French government. This last part seems, however, to have been dropped by those agents; and on the 30th of October, Mr. Y. gave in writing the following propositions:

1. The American envoys shall remain here for six months, in the same manner and upon the same footing as did Mr. Aranjo, the envoy of Portugal.

2. There shall be formed a commission of five members, agreeably to a form to be established, for the purpose of de-

ciding upon the reclamations of the Americans, relative to the prizes made on them by the French privateers.

3. The American envoys will engage that their government shall pay the indemnifications, or the amount of the sums already decreed to the American creditors of the French republic, and those which shall be adjudged to the claimants by the commissioners; this payment shall be made under the name of an advance to the French Republic, who shall repay it in a time and manner to be agreed on.

4. One of the American envoys shall return to America, to demand of his government the necessary powers to purchase, for cash, the 32,000,000 of the Dutch rescriptions belonging to the French republic, in case the envoys should conclude a treaty which shall be approved of by the two nations.

5. In the mean time, the definitive treaty shall proceed, for the termination of all differences existing between the French republic and the United States, so that the treaty may be concluded immediately on the return of the deputy.

6. The question of the role d'equipage shall remain suspended until the return of the deputy, and the commission shall not pronounce upon any reclamation when this point shall be in question.

7. During the six months granted for the going and returning of the deputy, hostilities against the Americans shall be suspended, as well as the process for the condemnation before the tribunals; and the money of the prizes already condemned, in the hands of the civil officers of the nation, shall remain there, without being delivered to the privateer men, until the return of the deputy.

These propositions were to be made by our envoys as coming from themselves, and Mr. Talleyrand would undertake to use his influence with the Directory to have them adopted. But Mr. X. added, that Mr. Talleyrand would not consent even to lay the proposition before the Directory, without previously receiving the £50,000 sterling, or the greater part of it.

They were, however, rejected by our envoys, who hinted that they would pay the douceur of £50,000 sterling on the ratification of the treaty.

Mr. Talleyrand, on the 28th of October, offered to Mr. Gerry for perusal, an arrêt of the Directory, in which they

had demanded reparation for the President's speech; and added, that he thought that he could, by money, prevent its effect—and on the 3d of November Mr. Y. showed the envoys a copy of a letter, said to be prepared by Mr. Talleyrand in pursuance of the arrêt, which he said would be sent, unless they came into the above stated proposition. The envoys said they did not wish the letter to be delayed; but, notwithstanding, it never was sent. Mr. Y. also argued a great deal on the immense power of France, the danger of a war to America, the impending ruin of England, the certainty of the invasion, the great advantage of neutrality, and the great number of friends to France and America, who would throw the blame of the rupture of the negotiation on the British party.

To all these insinuations the envoys answered with firmness, still declaring that they had full powers to make a treaty to restore friendship, but none to make a war, which would amount to a breach of neutrality; and they agreed, on the 1st of November, to have no further direct intercourse with the French government.

On the 17th of December, Mr. Y. made another attempt, saying that six weeks having elapsed since the rejection of the former propositions, perhaps the envoys had changed their mind; and he said that Mr. Talleyrand thought, that if two measures were adopted, a reconciliation would follow, to wit: the gratuity of £50,000 sterling, and a purchase of only 16,000,000 Dutch rescriptions at par (equal to 6,400,000 dollars). He stated that the state of Virginia owed to M. Beaumarchais £145,000 sterling, and he (Beaumarchais) consented to lose £45,000 of it, provided he got the other £100,000, and the gratuity of £50,000 sterling was given to Talleyrand; that in this manner the United States would be only £5000 sterling out of pocket, as they would get the £45,000 from Virginia—and as to the rescriptions, he said more than one half of the sum could be borrowed in Holland on the credit of the rescriptions, and the balance would be demanded only in easy instalments, which might also be obtained in loan. He again threatened, in case of non-compliance, and said that a few frigates from St. Domingo would be sent to ravage the coasts of the United States.

On the same day Mr. Gerry and Mr. Y. went to see Mr. Talleyrand; and Mr. Gerry told Mr. Talleyrand that Mr. Y.

had stated to him that morning some propositions, as coming from Mr. Talleyrand, respecting which he could give no opinion. Mr. Talleyrand said that the information given by Mr. Y. was just, and might always be relied on; but that he would reduce to writing his propositions, which he did; and, after having shown them to Mr. Gerry, burnt the paper. Mr. Gerry, on his return home, reduced them to writing from memory, as follows:

"France has been serviceable to the United States, and now they wish to be serviceable to France; understanding the French republic has sixteen millions of Dutch rescriptions to sell, the United States will purchase them at par, and will give her further assistance when in their power.

"The first arrangement being made, the French government will take measures for reimbursing the equitable demands from America, arising from prizes, and to give free navigation to their ships in future."

On the 4th of May and the 18th of June, the President sent two other messages to Congress, relative to fresh communications he had received from the envoys, respecting a decree passed by the Councils of France, to capture and condemn all neutral vessels laden in part or in whole with the manufactures or productions of England or its possessions. The envoys had remonstrated against the injustice of this decree, in a letter to the minister of foreign affairs in France, dated the 17th of January, but received no satisfactory reply.

Congress were taken up the greater part of the remainder of this session, which was both the longest and most important that had yet been held under the present confederacy, in discussing the Alien and Sedition bills, which met with considerable opposition from the most respectable members in the House of Representatives. The speech of Mr. Livingston, against the Alien Bill, was justly esteemed, and his patriotic exertions on this occasion will ever be remembered.

On Monday, the 16th of July, they adjourned, after passing the following acts:

1. An act to postpone for a limited time, the commencement of the duties imposed by the act, entitled, "An act laying duties on stamped vellum, parchment, and paper."

2. Making certain partial appropriations for the year 1798.

3. Authorizing the payment of certain sums of money to the daughters of the late Count de Grasse.

4. For the relief of the representatives of William Carmichael, deceased.

5. For the relief of North and Vesey, of Charleston, South Carolina.

6. For allowing a compensation to the door-keeper of the Senate and his assistant, for their services during the late session of Congress.

7. For the relief of John Frank.

8. To prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses.

9. Providing for the payment of the interest on a certificate due to General Kosciusko.

10. To amend the several acts for laying duties on spirits distilled within the United States, and on stills.

11. Supplementary to the act, entitled, "An act regulating foreign coins, and for other purposes."

12. Directing the secretary of war to place certain persons on the pension list.

13. For the relief of William Alexander.

14. Appropriating a certain sum of money to defray the expense of holding a treaty or treaties with the Indians.

15. To provide for the widows and orphans of certain deceased officers.

16. For the erection of a light-house, and placing buoys at the several places therein mentioned.

17. Providing the means of intercourse between the United States and foreign nations.

18. Making appropriations for the support of government for the year 1798, and for other purposes.

19. For the relief of Sylvanus Cromwell.

20. To amend the act entitled "An act laying duty on stamped vellum, parchment, and paper."

21. Declaring the consent of Congress to an act of the commonwealth of Massachusetts.

22. Declaring the consent of Congress to an act of the state of Maryland, passed the 28th of December, 1793, for the appointment of a health officer.

23. For an additional appropriation to provide and support a naval armament.

24. To continue in force the fifth section of an act in addition to the act, entitled, "An act to establish the post-office and post-roads of the United States."

25. To continue in force for a limited time, a part of an act entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas."

26. For the relief of the refugees from the British provinces of Canada and Nova-Scotia.

27. To continue in force the act, entitled, "An act prohibiting, for a limited time, the exportation of arms and ammunition, and for encouraging the importation thereof."

28. For an amicable settlement of limits with the state of Georgia, and authorizing the establishment of a government in the Mississippi territory.

29. Authorizing an expenditure, and making an appropriation for the reimbursement of the moneys advanced by the consuls of the United States in certain cases.

30. Supplementary to an act, entitled, "An act authorizing a loan for the use of the city of Washington, in the District of Columbia, and for other purposes therein mentioned."

31. To provide an additional armament for the further protection of the trade of the United States, and for other purposes.

32. Making an appropriation for the payment of a balance found due to the legal representatives of William Carmichael, deceased.

33. To provide an additional regiment of artillerists and engineers.

34. For erecting light-houses.

35. To establish an executive department, to be denominated the department of the navy.

36. To authorize certain officers and other persons, to administer oaths.

37. Supplementary to the act providing for the further defence of the ports and harbours of the United States.

38. To enable the President of the United States to procure cannon, arms, and ammunition, and for other purposes.

39. To authorize the President of the United States to

cause to be purchased or built, a number of small vessels, to be equipped as galleys or otherwise.

40. For the relief of Obadiah Brown.

41. Directing the payment of a detachment of militia, for services performed in the year 1794, under Major James Ore.

42. To continue in force a part of an act, respecting the compensation to the officers and mariners of the revenue cutters.

43. To revive and continue in force the act respecting the compensation of clerks, and for other purposes.

44. For the relief of William Imlay.

45. For the relief of Joseph Nourse.

46. To amend the act, entitled, "An act to amend and repeal in part, the act, entitled, "An act to ascertain and fix the military establishment of the United States."

47. Authorizing the President of the United States to raise a provisional army.*

48. More effectually to protect the commerce and coasts of the United States.

49. Providing for the relief of persons imprisoned for debts due to the United States.†

50. Supplementary to an act, entitled, "An act for the relief of persons imprisoned for debt."

51. Respecting the loan office and final settlement certificates, indents of interest, and the unfunded or registered debt, credited in the books of the treasury.

52. Making appropriations for the military establishment for the year 1798, and for other purposes.‡

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* By this act, the President was authorized, in the event of a declaration of war against the United States, to enlist and call into actual service, for a term not exceeding three years, an army of ten thousand men; each soldier to receive a bounty of ten dollars, one half on enlisting, and the other half on joining the corps to which he might belong.

† Any person imprisoned upon execution issuing from any court of the United States, for a debt due to the same, by this act may procure his freedom, if he applies in writing to the secretary of the treasury, stating the circumstances of the case, and his inability to discharge the debt, provided there be proof sufficient of the truth of the facts stated by the debtor.

‡ This act allows the sum of 1,411,798 dollars for the military establishment of 1798, to be appropriated as follows:

For the pay of the army of the United States, 264,824 dollars: For the subsistence of the officers of the army, 40,661 dollars: For the subsistence of the non-commissioned officers, 247,178 dollars: Forage, 15,816 dollars: Horses for the cavalry, to replace those who may die, 4,500 dollars: Clothing, 83,050 dollars; Bounties and premiums, 38,000 dollars: Hospital de-

53. To suspend the commercial intercourse between the United States and France, and the dependencies thereof.

54. Supplementary to, and to amend the act, entitled, "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject."

55. To amend the act, entitled, "An act providing a naval armament," and the act, entitled, "An act to authorize the President of the United States to cause to be purchased or built a number of small vessels, to be equipped as galleys or otherwise."

56. Supplementary to, and to amend the act, entitled, "An act authorizing the President of the United States to raise a provisional army."

57. To extend the privilege of franking letters and packets to the secretary of the navy.

58. Concerning aliens.*

59. To authorize a grant of lands to Stephen Monot, and other inhabitants of Galliopolis, therein named.

60. To authorize the defence of the merchant vessels of the United States against French depredations.

61. To punish frauds committed on the Bank of the United States.

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partment, 10,000 dollars: Ordnance department, 43,000 dollars; Quarter-master's department, 224,000 dollars: Payment of annuities to the Six Nations, 14,000 dollars: For the expenses attending the transmission of goods for the above annuities, 9000: For promoting civilization, and pay of temporary agents, 15,000 dollars: For ratios to Indians at the different military posts, 20,000 dollars: For building a grist and saw-mill for the use of the Stockbridge Indians, 3000 dollars: For presents to Indians on their visit to the seat of government, 10,000 dollars: For the protection of the frontiers of the United States, 60,000 dollars: For loss of stores, allowances to officers on being ordered to distant commands, &c., 20,000 dollars: For the annual allowance to the invalids of the United States, 12,067 dollars 7 cents: For the construction and repair of certain vessels on the lake, 16,700 dollars: For making good a deficiency in the appropriations for the subsistence of the non-commissioned officers and privates of the army of the United States, 114,167 dollars: For making good a deficiency in the appropriation for the expense of the quarter-master and Indian departments, 54,694 dollars.

* By this act, which was to continue in force until the 22d of June, 1800, it was lawful for the President of the United States to order all such aliens as he might judge dangerous, to depart out of the territory of the United States within a limited time; and in case any alien, so ordered to depart, should be found at large within the United States after the time limited, he was liable to be imprisoned for a term not exceeding three years, and rendered incapable of ever becoming a citizen of the United States.

62. In addition to the act more effectually to protect the commerce and coasts of the United States.

63. Making an appropriation for the expenses incident to the new regiment of artillerists and engineers during the year 1798.

64. Supplementary to the act, entitled, "An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes."

65. Providing arms for the militia throughout the United States.

66. Respecting alien enemies.

67. To declare the treaties heretofore concluded with France, no longer obligatory on the United States.

68. Further to protect the commerce of the United States.*

69. Limiting the time within which claims against the United States, for credit on the books of the treasury, may be presented for allowance.

70. To provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States.

71. To augment the army of the United States, and for other purposes.

72. To enable the President of the United States to borrow money for the public service.

73. For erecting a light-house at Gay Head, on Martha's Vineyard, and for other purposes.

74. Authorizing an additional naval armament.

75. For the relief of sick and disabled seamen.

76. For allowing an additional compensation to the door-keepers and assistant door-keepers of the Senate and House of Representatives.

77. In further addition to the act, entitled, "An act to establish the judicial courts of the United States."

78. To suspend, for a further time, the duties upon the manufacture of snuff within the United States, and the drawback upon the exportation thereof.

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* The President was hereby authorized, whenever he should judge it expedient, to instruct the public armed vessels in the service of the United States, to seize any armed French, or pretended French vessels, found within the jurisdictional limits of the United States, or elsewhere on the high seas.

79. Making certain appropriations, and to authorize the President to obtain a loan on the credit of the direct tax.

80. Allowing an additional compensation to the secretary of the Senate, and the clerk of the House of Representatives, and their clerks, for the present session of Congress.

81. Making certain additional appropriations for the year 1798.

82. Authorizing the grant and conveyance of a certain lot or piece of ground to Eli Williams.

83. To alter and amend the several acts for the establishment and regulation of the treasury, war, and navy departments.

84. To amend the act, entitled, "An act to suspend the commercial intercourse between the United States and France."

85. An act in addition to the act, entitled, "An act for the punishment of certain crimes against the United States." The first clause of this act, which was termed the Sedition Act, ordained, "That if any person should unlawfully combine or oppose any measure of the government of the United States, or intimidate any person holding a place or office under the same, he shall be deemed guilty of a high misdemeanour, and on conviction, be punished by a fine not exceeding five thousand dollars, and imprisoned during a term not less than six months, and not exceeding five years."

Second clause expressed, "That if any person should write or publish, or cause to be written or published, any libel against the government of the United States, or either House of Congress, or against the President, he should be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years." This act was to continue in force until the 3d of March, 1801.

CHAPTER VI.

Reflections on the conduct of the President—Dismission of Mr. Gardner of New Hampshire—Spies encouraged—Anecdote of the Spy Oram—Treatment to General Sumpter of South Carolina, at the New Circus, Philadelphia—Federal mob on the 9th of May, 1798—Dismission of Dr. James Reynolds from the Dispensary at Philadelphia—Persecution by the Dunkards—Federal Addresses—Vanity of the President—Remarks of Mr. Callender on the President's answer to the New Jersey Militia—Procession of the President from Quincy to Boston—Bostonian honours—Reception given to the President at Faneuil Hall—Characters of the Senators and Members of the House of Representatives.

The beginning of the year 1798 may not improperly be styled the commencement of the reign of terror in the United States. Previous to the spring of this year, the image of a republic, and the mildness of Washington's administration, were preserved with a decent reverence. The unfortunate alien had not to dread a dungeon more horrible than that which he escaped, nor were the pen or the lips of the patriot compelled to submit to the rigid forms of a sedition law. The wavering intellect of Mr. Adams had only now assumed the consistency of a tyrant. Although he might have long aspired at sovereign power, his administration was unstained with acts of cruelty. He had not, previous to this period, calumniated virtue, punished merit, rewarded vice, and given a poignancy to the rage of contending parties. Whatever his intentions might formerly have been, his conscience and not the world witnessed their criminality.

William Gardner,* Commissioner of Loans for New Hampshire, a man of honour and integrity, was one of the first whom he deprived of the means of supporting a numerous family, on account of his political principles. This gentleman had, in December 1790, accepted the above office—he was then Treasurer of New Hampshire, a place worth about a thousand dollars per annum—his situation as commissioner

* An uncle to the Editor.

amounted only to six hundred and fifty—he did not solicit his new office—he was urged to accept of it by an assurance that Congress would augment the salary—as they did not, Mr. Gardner signified his intention to resign within eighteen months after his acceptance. Mr. Hamilton, then secretary of the treasury, sent him a letter in answer, dated the 14th of June, 1792. In this letter, Mr. Hamilton expresses the warmest approbation of Mr. Gardner's services, and regrets that they had not been adequately rewarded—he solicited him to continue his situation, with the assurance that his salary would be enlarged. Mr. Gardner received two other letters in the same style from Mr. Hamilton, and two from his successor, Mr. Wolcott—of these, the last is dated so late as February 6th, 1797. In summer, 1798, he was turned out, for refusing to subscribe an address to the President which was circulated at Portsmouth, in New Hampshire, couched in the most fulsome style, and breathing only slander and servile bombast.

The same system of persecution was immediately extended all over the continent. Every person holding an office was obliged to resign, or adore Mr. Adams as the Augustus of the new world—a catalogue of their expulsions would fill a pamphlet. Spies were employed to report to the executive every action and every word which reflected upon the President or his servants. No public company was free from these hired slaves of tyranny—the tables of the virtuous were besieged by their sycophancy and betrayed by their hypocrisy. One of them, by name Oram, had even the audacity to introduce himself into an hotel where the Vice-President lodged. The mind of Mr. Jefferson is above suspicion or disguise—his conversations on philosophy and politics were carried to the Inquisition at Braintree, there new modelled, and afterwards handed to Abercromby, Linn, and Mason, by whom they were trumpeted forth to the world. Mr. Adams had resolved to reward the villain by making him a captain of artillery; but the depraved part of the Senate were ashamed of his character, and the project was relinquished.

The emperors of Rome, in the height of their power, received from their humble subjects not more servile marks of submission than were paid to President Adams by the federal faction. The republican who had firmness enough of mind

to know his own importance, was always insulted, and often in hazard of his life from this host of aristocracy.

In the summer of 1798, General Sumpter, of South Carolina, was unwarrantably abused at the new circus, in Market street, Philadelphia, because he did not pull off his hat, kiss the ground, and clap his hands when John Adams entered the place. The general sat in one of the front rows, when a rumour spread that the President was coming in—the spectators were rising from their seats, hurrying off their hats, and commencing to clap, when one Fitzhugh called out in a loud voice, asking why the general did not clap? A second rumour arose, and a second demand for clapping was made upon the venerable veteran—at the same time Fitzhugh attempted to seize his hands and force him to give applause. General Sumpter represented there was no mutual acquaintance to justify such freedoms, that he was a stranger to the gentleman, and asked if the latter knew who he was? "Oh, damn you, we know you and all your party," replied the tory; "I hope in six months time to see you all banished from the country;" then turning to the spy Oram, he went on thus: "Does not Dayton keep these fellows in excellent order?" alluding to the ruffian insolence of this man when Speaker of the House of Representatives. The second rumour of the approach of the President proved also groundless. At last, however, his Majesty did appear. Fitzhugh then attempted to snatch off General Sumpter's hat, asking why, like the rest of the company, he did not uncover? The general found out his name, and called for him next morning at his lodgings; but Fitzhugh was gone.

The ninth day of May, 1798, which was appointed by the state of Pennsylvania as a day of fast and of worship to the Creator, was designed by the federal faction as a day of massacre and bloodshed: they and the clergy had fixed upon it as the most proper time for commencing their political persecution. A well known clerical aristocrat, of Christ's church, Philadelphia, was to give the signal of riot from the pulpit, by a thundering declamation against philosophers and jacobins, free-masons and illuminati. Bache, the printer, whose family and house were doomed for destruction, heard, by accident, of his danger—he applied to Hilary Baker, then mayor of the city, for protection; but the mayor was in league with the conspirators, and protection was refused. Bache, as his only

means of defence, collected and armed all his friends, and the other republican householders did the same. The aristocrats, seeing these preparations, desisted from their plan, but like cowardly assassins, they filled the streets with noise and alarm, broke several windows, knocked down the lamp-posts, bedaubed the statue of the venerable Franklin with mud, and defiled the entrance to every public building with crowns and ensigns of royalty. When the hour of twelve at night was struck, the Coffee House, in South Second street, which is kept by an old servant of the ambassador Liston, was immediately crowded with Adamites, who stunned the ears of the neighbourhood until sunrise next morning with "God save the King," and "Rule Britannia." The history of this night has never been completely told. Mr. Callender affirms, that a large quantity of arms were lodged in a house near the Hall of Congress, from whence muskets and balls were to have been distributed to the federal mob. Happily, however, by the exertions of the republican inhabitants, the storm blew over, and Philadelphia did not witness, as was intended, the scenes of Paris on the 10th of August and 2d of September, 1792.

The spirit of party even extended itself to charitable institutions. The Dispensary at Philadelphia was then conducted by six physicians, who gave attendance gratis. One of these was Dr. James Reynolds, of Ireland, a gentleman who was obliged to abandon his native country on account of his attachment to political liberty. The managers of the Dispensary, in place of thanking him for the acceptance of a trust by which he could gain nothing, took offence at his attendance, and gave him notice that his services were not acceptable. The other five physicians wrote a letter to the managers, representing, that they could never admit the introduction of such a principle for dismission. The board treated their letter with contempt, and returned it back with a note wrote on the cover, that "the contents were of a nature improper to be considered." The physicians immediately gave in their resignation, adding, that they would continue their attendance until successors could be appointed. The managers sent them another letter, and, without thanking them for the latter part of their communication, accepted of their proposal to resign.

In the same summer (1798), a German, living in Maryland, wrote an account of himself in a letter to Philadelphia. He

had been reduced, in his own country, from opulence to want, by his attachment to the French revolution. He indented himself and his family with the captain of a vessel bound for Maryland; the captain could not sell the man, and gave him liberty to shift for his support. The German was engaged by some Dunkards to teach a school; after a considerable time, his employers came to learn his political history. At the period of his writing this letter, they had resolved to turn him loose on the world in revenge for his political tenets: what became of him afterwards is not known.

During these scenes of tyranny, which were daily exhibited in the streets of Philadelphia, Baltimore, and New York, the federal papers throughout the Union were filled with addresses to the President, complimenting him upon the mildness, justice, and impartiality of his administration; his attachment to liberty and his benevolence to foreigners. Pickering, Liston, and the British merchants, were the most active instruments in procuring these epistles of royal jargon.

Every town and village which did not honour the President with their approbation, were supposed to be under the influence of some jacobin. The province of Maine, where General Dearborn, the present secretary of war, resides, was ranked in the number; and the whole odium thrown upon this patriotic officer. Mr. Pickering is said to have wrote to him a letter, requesting him to use his influence with the inhabitants to address the President; informing him at the same time, that Mr. Adams entertained the highest opinion of his friendship, and that this act would still further strengthen that sentiment. General Dearborn, with that candid integrity which marks his character, returned an answer, informing the secretary of state, that whatever his private sentiments might be, he had taken no part in preventing the inhabitants to address the President, nor would he use his exertions to promote an address, however agreeable it might be to Mr. Adams, unless he saw a change of measures from those which were carrying on. Mr. Pickering wrote a second and a third letter to the same purpose, but received no answer.

An address from New York was presented, containing four thousand signatures, but three thousand of the names were those of English merchants, their clerks and servants, who had not resided above a few years in the state; several in-

stances were even known of merchants compelling their clerks to sign more than once under different signatures.

One of these addresses will be a sufficient specimen of the fulsome flattery which was made use of: it is the production of a society of merchants at Boston.

"*To John Adams, Esq., President of the United States of America.*

"We the subscribers, inhabitants and citizens of Boston, in the state of Massachusetts, deeply impressed with the alarming situation of our country, and convinced of the necessity of uniting with firmness at this interesting crisis, beg leave to express to you, the chief magistrate and supreme ruler over the United States, our fullest approbation of all the measures, external and internal, you have pleased to adopt under direction of the divine authority, for settling and accommodating all existing differences, upon terms compatible with the safety, the interest, and the dignity of the United States.

"We beg leave also to express the high and elevated opinion we entertain of your talents, your virtue, your wisdom, and your prudence; and our fixed resolution to support, at the risk of our lives and fortunes, such measures as you may determine upon to be necessary for promoting and securing the honour and happiness of America; nor can we omit, upon such an occasion, to declare to the world, that we are not humiliated under a colonial sense of fear, that we are not a divided people, but that we know the duty we owe to the President of our country, and are determined to support him.

"*Boston, 1st May,* 1798."

The childish vanity Mr. Adams displayed upon receiving these addresses, gave surprise to those who even had the best opportunity of being acquainted with his weaknesses. They usually formed part of his table equipage, as regularly as a newspaper, or a dish of coffee—a file of five hundred of them, suspended in the front of his library, served him as a political dictionary for civil, naval, and military appointments, on all occasions. None whose name was not found entered in this sacred register, could claim any pretensions to the favour of Mr. Adams. The magistrate, the soldier, and the sailor, equally owed their birth to this bundle of federal parchment, which is now preserved in the palace of Braintree, and which

will transmit to posterity the political state of America at the close of the eighteenth century.

Those addresses which were not couched in the most submissive terms, were treated with the greatest contempt. One of this nature was transmitted in June, 1798, by some officers and soldiers of the Jersey militia. They said that they did not acknowledge an implicit approbation of the conduct of Mr. Adams; they declared their disbelief "that the administration of our government had in all cases been absolutely perfect!" they explained their aversion to an English alliance and a French war; they ascribed the calamitous situation of the United States to the influence of interested commercial characters, and of the internal faction that had formerly resisted the American Revolution; they warned Mr. Adams to beware of surrounding flatterers, and of men who panted to speculate in the spoils of war. Mr. Adams returned them an answer, censuring them in the severest terms for presuming to call a government of their own choice a party, and for asserting, or even supposing, that he caressed those characters who were the worst enemies of America.

On this answer, Mr. Callender, with his usual acuteness, makes the following severe, though just remarks: "Under the general phrase of government, Mr. Adams here attempts to confound the constitution and its officers. These are two matters entirely distinct; as such they shall be separately discussed. I begin with the form of government; that is, the present federal constitution.

"This system was, after a violent struggle, adopted by a majority of the people—one reason or conceit, which led them to this measure, was, lest the United States should be invaded and partitioned by some foreign power. For the last ten years our public transactions have often originated in false alarms, operating on the public mind like as many shocks of electricity—at one time Genet was to overturn the government; when that bugbear vanished, the western mob, so carefully fostered into consequence by Hamilton, was to cover the continent with carnage and desolation.

"The third annual panic arose in July, 1795, on the publication of Jay's treaty; by democratical demonstration, the whole shipping of America was, in two years at farthest, to be annihilated. Nine months after, we found out that this very bargain was the best imaginable, and that nothing but an im-

mediate acceptance of it could save our foreign commerce from extinction. This was in 1796. The periodical tremor of 1797, began by the recall of Adet from Philadelphia, the rejection of Pinckney at Paris, the torrent of French piracy that burst upon our navigation, and our consciousness of having, in some measure, deserved the vengeance of the republic. Men of sense recollected the impertinence of our presidential speeches regarding France, the brutality of newspapers hired by British ambassadors, and patronized by the federal party, and above all, the ever-infamous desertion of our allies and benefactors, consummated by Jay's treaty. In 1798, America did, for once, assume an appearance of resolution. To meet the approaching war, Congress voted for preparations to the amount of about fourteen millions and six hundred thousand dollars; and after all this additional vortex of debt, we discovered that the last annual alarm has been equally false with each of its predecessors. The French were provoked to plunder, but they have hitherto refused to fight.

"I now return to the tremor of 1787, by which the 'government of your own choice,' viz., the federal constitution, was crammed down the gullet of America. The first grand argument for adoption was the danger existing from external conquest. This could only be attempted upon three quarters: First, by the English, a people whom the Americans had just before beaten, and who, during that very period, were successively on the brink of war with France, Holland, and Russia. Second, France might possibly have invaded this country; but her exchequer was bankrupt, and she was of course incapable of fighting. Third, Spain could have disturbed the United States, but her councils are always pacific. For the last hundred and fifty years, her vigour has been broken, and she has never once gone to war, but when kicked into it by the ambition of France or England. In short, at the time in question, the powers of Europe were occupied in plotting the destruction of each other; they had no leisure of thinking of America. Patrick Henry and his friends, in the convention of Virginia, could not force Mr. Madison's majority to comprehend this very plain fact. The dread of foreign conquest was, in 1787, as ridiculous as that of witchcraft, for which Mr. Burroughs, once a parson of Salem, was hung by the saints of the last century."

Mr. Callender urges, in ridicule, a number of other arguments America had for framing a new constitution:

1st. Rhode Island (says he) refused to pay her share of the expense of the war or of taxes to discharge it.

2d. The advantages that Congress would possess over individual states, in framing commercial treaties with foreign nations.

Mr. Callender admits that this motion was a plausible one, and the principal cause of the formation of the constitution.

3d. In order to pay the debts of the United States, which the Congress under the old confederacy could not pay.

On January 1st, 1790, the domestic and foreign debt of the United States amounted, collectively, to fifty-four millions three hundred and sixty two thousand dollars. The domestic debt had been a great source of gambling to the members of Congress; with a view, therefore, to conceal their infamous traffic, they comprehended in the same statute a mass of debt due by individual states. With the same justice they might have included all the debts which are reciprocally due between private citizens; the one measure would have been as regular as the other. To assist themselves in supporting this assumption of state debts, they authorized, on the 4th of August, 1794, a loan of twenty-one millions five hundred thousand dollars. The certificates of debts due by individual states, and which had been issued by them as pledges to their private creditors, were, under certain restrictions, to be received at the federal treasury as current cash, in part of the loan. Thus the federal treasury was to reimburse itself by recourse upon the individual states, for payment of these certificates. The young government, therefore, was soon involved in a labyrinth of debt, which, so far from decreasing, would, if the measures of the late administration had been pursued, accumulated to a sum our revenues never would have been adequate to defray.

"Wherefore," says Mr. Callender, "the principal inducements to accept of the constitution of your own choice are proved by common sense or experience, to have been absolutely chimerical, and nothing better than hobby-horses.

"In contradiction to what Mr. Adams affirms in his answer, it is established, that the present government, both in its origin and progress, has been, in every shape and sense, the government of a party; and of a party that is, in many respects, very worthless. In opposition to the merit assumed by the

President, as a promoter of domestic peace, it is established, that his measures multiply domestic discord; and that the scandalous newspapers printed under his influence, are so many trumpets sounding to the charge of civil war. In addition to his inflammatory aspersions regarding French tribute, it is proved, that the United States are tributary to the Indians, to the Algerines, and to the English."

Mr. Adams expressed himself in the same manner to an address from the Bostonians of the 7th of August, 1797, as he did to the New Jersey militia.

"The idea," says he, "of separating the people from a government of their own choice, can originate with none but enemies of republican governments. Such a project, were it practicable, would be a demonstration that the people are not capable of such a government; and by a sudden introduction of wasting calamities, would soon convince the people themselves of the necessity of instituting another form for their own security and protection. The decided reprobation of such nefarious designs by the citizens of Boston and its vicinity, will have a great effect in defeating them."

The Bostonians may justly be considered to have been the Prætorian guards of John Adams. The homage of flattery which was first paid him by these citizens, was at length converted into a solemn protestation of fidelity. Whenever he entered their town, a numerous cavalcade composed of horsemen and foot, of women and children, were accustomed to collect round his person; to address him rather as the sovereign of the world than the President of the United States, and to adore him as a divinity, and not as a man. His procession from Quincy, on the 17th of August, 1797, and the pompous parade displayed on this occasion, will long be remembered as a specimen of the ostentatious dignity he was pleased to affect, and of the honours which the folly of his countrymen allowed him. Perhaps the monarch of France never visited Versailles in greater state than Mr. Adams did Boston that day.

At an early hour in the morning, a corps of cavalry, commanded by Captain Amory, marched to Quincy, and paraded before his door. From thence the President was escorted to the seat of his excellency, the governor, at Roxbury. A troop of girls dressed in white walked before him, and strewed the road with flowers and leaves of laurel. The citizens of Quincy led up the rear, bearing the American flag, the por-

trait of John Adams, and the ensigns of liberty. This numerous cavalcade was met on the road from Milton, and joined by the officers of the Boston regiment, in uniform, as also by a motley group of Bostonians, some in carriages, some on horseback, and others on foot, who were hurrying to pay their respects to the President. The increased multitude continued their route to town, at the entrance of which they were welcomed by a federal salute from Captain Bradlee's artillery. At the ancient fortification they were reinforced by cadets, by artillery and by infantry, all commanded by devoted subjects to royalty. The line of march then continued to the centre of the city, amidst the welcoming huzzas of crowds of sycophants, and the smiles of bevies of ladies, who adorned the windows and displayed their charms to attract the fancy of the President. Having arrived at the Old South, Mr. Adams alighted, passed his escort in review, displayed his person for a few minutes to the admiring spectators, by walking on the balcony of the old State-House, from whence he proceeded to the Senate chamber, where a procession was formed of the principal officers of state, the senators of state, the judges, and the members of the House of Representatives, who conducted their sovereign to partake of the pleasures which were prepared for his reception at Faneuil Hall.

This apartment was decorated throughout with trees and evergreen. At the bottom of the stairs, an arch properly supported, exhibited the Federal Constellation. At the head of the first flight, was the bust of "a patriot," irradiated in glory, motto, "The lustre of his actions burns with triumphant brightness, and spreads a glory round him." Over him an obelisk topped with the Omniscient Eye, motto, *Fideles protego;* descending from which a cherub extended a garter, motto, *sic iter ad astra*, presented the *Palm* and the *Laurel*, and offered them as *Premium Virtutis.* The second flight exposed to view an urn bearing these words, "To the memory of those brave men who have fallen in the cause of Liberty," and a pedestal with *hic manes ob patrium pugnando vulnera passi.* At the entrance of the hall, *Liberty* in all her charms and emblems, held a scroll, seeming to breathe its wish, "Liberty, Peace, and Happiness to all mankind." A festooned orchestra formed the entrance to the room, which was hung round with tapestry the most splendid which the states of New England ever beheld. The decorations of co-

lumns, ribbons, wreaths, and festoons were variously suspended and grouped to please the fancy of the eye and attract the crowd of flatterers whom Mr. Adams was to honour with his presence. Over his seat, which was elevated in the form of a throne, the arms of the United States were seen supporting a portrait of himself, to which was affixed a satin curtain, and the following lines, said to be the production of the poet Trumbull:

> "First advocate of Independence' cause;
> First to defend Columbia's balanced laws;
> First to oppose when Anarch's sons assail,
> A conscious, grateful people bid thee hail."

Such was the pomp and parade that usually took place whenever Mr. Adams was pleased to compliment the inhabitants of Boston with a courtly visit. A striking specimen of the genius and character of these people, who affect to hold in contempt the innocent and sprightly levity of the citizens in the southern states.

It may be interesting to know how the Alien Act, that powerful engine of tyranny which Mr. Adams so successfully wielded, was passed into a law. I shall, therefore, give an account of the proportion of votes from each state in favour of the bill and against it.

This act originated in the Senate of Congress, where it was read, for the first time, upon June 8, 1798. Humphrey Marshal, the poet, proposed an amendment of the second clause of the first section—it was in these words: "which order shall also express the cause of removal." Although nothing could be more reasonable than this amendment, it was rejected by seventeen votes against six.

The votes were fifteen against eight on the passing of the bill. They stood thus:

In favour of the Bill.

New Hampshire, 1; Massachusetts, 1; Rhode Island, 1; Connecticut, 2; Vermont, 2; New York, 2; New Jersey, 1; Pennsylvania, 1; Delaware, 2; Maryland, 1; South Carolina, 1.—Total, 15.

Against the Bill.

Virginia, 2; North Carolina, 1; Kentucky, 2; Tennessee, 2; Georgia, 1.—Total, 8.

It passed in the House of Representatives on the 21st of

June, 1798, by forty-six votes against forty. Nineteen members were absent.

For the Bill.

New Hampshire, 3; Massachusetts, 11; Rhode Island, 2; Connecticut, 7; Vermont, 1; New York, 5; New Jersey, 4; Pennsylvania, 4; Delaware, 1; Maryland, 4; Virginia, 1; North Carolina, 1; South Carolina, 2.—Total, 46.

Against the Bill.

Massachusetts, 1; Vermont, 1; New York, 2; Pennsylvania, 6; Maryland, 3; Virginia, 11; Kentucky, 2; North Carolina, 8; Tennessee, 1; South Carolina, 3; Georgia, 2.—Total, 40.

From whence it appears evident, that the passing of the Alien Act was entirely owing to the New England faction. Not one senator from these states voted against it, and only one representative out of twenty-four who were present. On the contrary, eleven members from Virginia out of twelve who attended the House, exerted every effort to oppose the bill. In the Senate, there were fourteen members to the north of the river Potomac, every one of whom supported it. Of the nine members to the south of that river, two voted for it, and seven against it.

John Langdon, senator from New Hampshire, was absent at the passing of the bill. This is one of the few honest men whom New England has sent to Congress. During the Revolution his services were conspicuous; a firm adherence to republicanism has been a constant and uniform trait in his character ever since. But Mr. Langdon, like most other virtuous men, had the misfortune to incur the displeasure of Mr. Adams. The following letter which this senator wrote to Samuel Ringold, of Maryland, previous to the election of Mr. Jefferson, unfolds sufficiently his own principles as well as those of the President. It is one of those precious morsels of political information which deserve a place in every publication intended to record the vices and views of the late administration:

"PORTSMOUTH, October 10, 1800.

"DEAR SIR:—Your agreeable favour of the 4th instant has this moment come to hand; I am greatly rejoiced to see gentlemen of property and influence coming forward at this

eventful moment in the common cause of our country; I have no doubt we shall yet be saved.

"I am now packing my baggage, shall set out in the stage to-morrow morning for the city of Washington; hope to be in Baltimore the beginning of next month; this prevents me answering your letter so fully as I could wish, having only one moment to spare.

"In the conversation held between Mr. Adams, Mr. Taylor, and myself, Mr. Adams certainly expressed himself (as far as my memory serves me) in the very words mentioned in your letter, viz., that he hoped, or expected to see the day when Mr. Taylor, and his friend Mr. Giles, would be convinced that the people of America would not be happy without an hereditary chief magistrate and senate, or at least for life.

"Believe me sincerely, your obedient servant,

"JOHN LANGDON.*

"*Samuel Ringold.*"

It may be remembered that Mr. Callender requested time might be granted him to serve a subpœna on Mr. Langdon, as also on several others, whose evidence he believed would sufficiently prove the most material of his charges against Mr. Adams. But this necessary postponement, which would have shown the President in his proper colours, was peremptorily refused by the federal court. This circumstance, and the conduct of Judge Chase on that occasion, shall be more particularly investigated when we come to narrate the trial of Mr. Callender.

Mr. Langdon, to his other virtues, adds that of a charitable and generous mind—few of his countrymen possess this virtue in an equal degree. Inattentive to the spirit of party and political intrigue, his principal study and greatest ambition are to reward industry and obtain the applause of good men. On all occasions he has stood forth and exerted himself in the cause of the distressed and injured citizen. In short, whichever way we view Mr. Langdon, we find him fertile in every great and good qualification.

Leaving Mr. Langdon, we enter a barren waste when we

* John Langdon was an uncle to the Editor.

venture to explore the characters of the other senators from New England.

Theodore Sedgwick, of Massachusetts, and James Hillhouse, of Connecticut, were the principal authors of the alien and sedition acts; they also voted for Hamilton's plan of funding the domestic debt. A transaction more detestable than this scheme can hardly be conceived, when it is known that both these men had made considerable purchases in the certificates of the old army.

Foster, of Rhode Island, is one of the weakest men in the United States. He voted, if we may believe his friends, for the plans of the President, without comprehending their tendency or import. His constituents, who sent him to Congress, and who were acquainted with the narrow extent of his talents, ought only to be censured.

Elijah Paine, from Vermont, presents a character of a different complexion. He displays, on every occasion, a natural fierceness which it is impossible to temper or disguise. Though a stranger to real wisdom, he is possessed both of selfish cunning and a talent for intrigue. He can threaten or cringe to his opponents as circumstances require; but in general, his behaviour borders on rudeness, and his oratory is savage in the extreme.

Uriah Tracey may be regarded as the Burke of Connecticut. Though neither possessed of the talents, the erudition, or the splendid eloquence of that British senator, he rivals him in anti-jacobin abuse and vindictive declamation against the French nation. He would wade up to the knees in blood to extirpate the republicans of France. He has declared in Congress, that if he had his wish, he would arm every man, woman and child in America against every man, woman and child in France. These were not words uttered in the heat of passion, in the unthinking moment of pleasure, or over the intoxicating fumes of Braintree claret; they were pronounced in a solemn exhortation to the senators of the United States, and accurately recorded by Mr. Lloyd, the stenographer, who was present.

Mr. Bingham, of Philadelphia, senator for Pennsylvania, is a merchant of immense property, a high-flying federalist, and devoted to the British interest. He is ambitious of being thought a man of science and a lover of the arts, but no man has less claim to these pretensions than Mr. Bingham. The

ability of reading his own language, and of directing the clerks of his counting-house, constitutes his whole stock of learning. Although the virtues of honesty and a generous heart are not the most conspicuous traits in his character, yet he was the friend of Mr. Adams, and companion to the ambassador Liston.

The charges which have been adduced against James Ross, the colleague of Mr. Bingham, are too numerous to admit of insertion in their full extent. I shall only briefly specify those, the truth of which even his friends are compelled to allow.

This senator voted, in the convention of Pennsylvania, on the 2d of February, to strike out of the constitutional regulations about holding offices, the words "who acknowledges the being of a God, and a future state of rewards and punishments."

He stayed away from the Senate without any cause for nineteen weeks and four days, so that Pennsylvania, which had only two votes in the Senate, was left with no more than one vote in that body. (Journal of the Senate, January 8, April 26, and July, 1798.) By this means he escaped the odium of voting for the alien and sedition bills.

Mr. Ross voted for the British treaty; for increasing the salaries of the officers of government when the people were groaning under the weight of new taxes; he voted also for a standing army.

At the table of Messrs. Hollines and Rainey, merchants, at Philadelphia, when "The Constitution of the United States" was given as a toast, he left the room.

Mr. Ross has been proved to be a deist—see a letter from Mr. Jones, late chaplain to General Wayne, inserted in the Aurora, 1st October, 1797.

General Lloyd, of Maryland, is the last of the federal senators I shall at present remark. This man, in the year 1799, entered into a contract with the secretary of the navy to furnish staves to the amount of 1500 dollars; he received the money in hand, and engaged to send the staves as soon as he got home. A twelvemonth elapsed, and no staves came to hand; upon inquiry being made, it was discovered that General Lloyd possessed no wood fit for that purpose. The money was never returned, but the honest general was compelled, by the present administration, to give a bond for the sum, bearing interest.

The senators who opposed the bills were characters very different. Mr. Henry Tazewell, and General Mason, of Virginia, were of this party. I cannot represent these men in juster terms than Mr. Callender has done. "Mr. Henry Tazewell," says this writer, "was too honest to be purchased, and too firm to be bullied; too watchful to be surprised, and too shrewd to be deceived. This gentleman was long an effective antagonist to the stratagems of senatorial deceit, and the brutality of senatorial despotism.

"With a happy temper, an invulnerable character, an independent fortune, and an amiable family; with every physical and moral circumstance about him which can provoke the envy, or challenge the esteem of mankind, General Mason has presented an object of calumny for a set of miscreants whom his good sense obliges him to despise, but whom his good nature will hardly suffer him to detest. Without parade or effort, his patriotism flows, like a natural fountain, from the sweetness and rectitude of the primitive elements of his mind. Had the majority of the Senate voted and acted like General Mason, this country, to borrow the language of Demosthenes, might have escaped from *an Iliad of misfortunes*."

Of the twenty-six representatives from New England, only three made a figure, or even were heard of, during the Revolution. These were General Shepard, General Varnum, and General Skinner. General Varnum was the only member who voted against the alien bill. General Skinner was not present, or most probably he would have acted with the same patriotism. As for General Shepard, who voted for it, his best friends allow his only merit consists in that species of personal courage which fits the mercenary assassin, but becomes not the republican soldier—Shepard could fight with the same courage in the cause of despotism as in that of liberty. Strong in body but weak in intellect, he only appreciates those qualities which characterize the barbarian; while he holds in ridicule the more generous virtues which adorn the mind and enlarge the understanding of the civilized patriot. In short, nature could not, without difficulty, produce a being more ignorant and wretched in point of reasoning, than this New England general.

Mr. Samuel Sewall, of Massachusetts, was considered a tory during the Revolution. He figured in the bankrupt list, and has therefore little to fear from the worst misfortunes that

can befall his country. When he attempts to speak, his insolence and virulence of expression are unequalled by the billingsgate of the lowest miscreant who bawls at Westminster for royal favour. But his character being known, his efforts are disregarded, and his inflammatory jargon suffers a merited contempt.

Dwight Foster, member from the same state, was also a tory. This man being conscious of his own weakness, seldom speaks but when he lisps an unmeaning sentiment in honour of John Adams at some federal hall of riotous debauch. Sloth and indolence, or a game at cards, are his favourite amusements. His hatred to the French is reported principally to proceed from the lively sentiment in discourse which distinguishes that nation, and which by no means accords with the phlegmatic humour of Mr. Foster.

John Allen, of Connecticut, is as remarkable for the uncouth and vulgar extravagance of his expressions, as he is for his tall hectic appearance. He has declared in a public assembly, that the federal constitution was not worth a damn, and that he would be glad to give it a kick. He gave up his seat in Congress for the sake of being chosen into the Assembly of Connecticut; but his behaviour, when a representative, disgusted even the federalists, and he was overpowered by a republican candidate, which circumstance, it is said, had such an effect upon his nerves, as almost to deprive him of the weak and tender capacity of reasoning which he formerly possessed.

Mr. George Thatcher, member also from Massachusetts, when in the third Congress was almost never known to open his lips. At that time he supported the character of a reasonable man; but observing that silence was not the way of gaining the favour of the President and advancing in the list of preferment, he studied for a whole summer the art of antijacobin declamation with such success, that he delivered in the Congress after, a thundering speech, intending to prove that Barras was either mad or drunk, when he made his farewell address to Mr. Monroe. His friends were astonished at his powers, and dignified him with the title of the American Barras. Malice, however, who sheds her venom upon the best of characters, accounts for this rapid and remarkable change in the manners of Mr. Thatcher by the powerful attraction of British gold, and even hints at a promise from the

ambassador Liston, if Blount's conspiracy had taken effect. But it is much more probable that the love of vanity and applause, and a desire to rise in the estimation of Mr. Adams, were the principal motives which induced this New England member to pass from the humble path of reserve and decency into the boisterous ocean of noise and petulance.

Harrison G. Otis is another member from the royal state of Massachusetts, who laboured with all the trick of a quibbling attorney, to get the alien bill passed into a law. This man is not entirely divested of fancy, but he is a stranger to argument, and unacquainted with the virtues of truth and candour. The interest of British merchants, it is reported, procured him to be one of the directors of the Bank of the United States, and several pecuniary favours which he has granted these gentlemen in return, prove that he possesses, in an eminent degree, the qualifications of gratitude and a bountiful heart to his friends. He is neither devoid of filial affection, if we may judge from his petty manœuvres to procure an addition of two hundred dollars to the salary of his father. But the fear which he expresses of Frenchmen, and his hatred at Irishmen, are the two striking characteristics of his mind. In the summer of 1798, he so much dreaded a French invasion, that it is said, he would have removed into some of the back settlements had it not been for the persuasion of Dwight Foster and George Thatcher. No man, says Mr. Callender, can be more ambitious to be the scavenger of his party than this calumniator of the Irish nation. Mr. Otis has since obtained his wish; for no man is more employed in rallying and collecting together the scattered dregs of federalism than Harrison G. Otis.

The late Mr. Josiah Coit, of Connecticut, who voted both for the alien and sedition bills, wished at first to be considered impartial; but on this account he was attacked with the utmost fury by the treasury newspapers. William Cobbett railed at him under the name of the Connecticut Bear; Timothy Pickering used to say, a doubtful friend was more dangerous than a professed enemy, and so was Mr. Coit; Mr. Adams said he never wished to keep his mouth shut but in the presence of Mr. Coit. To do away with these prejudices which Mr. Coit perceived the federal faction possessed towards him, he made a long and violent invective in Congress against Mr.

Jefferson, and afterwards voted for every measure the President desired.

Such were the characters of the principal leaders of the New England faction, who ushered into existence the alien bill, and gave a stab to the independence of America which will be long felt and remembered. I shall now slightly trace a few of the federal representatives in the other states, who were no less active in promoting the power of the President and infringing upon the rights of the people.

General Williams, of the state of New York, stands first in the list of these federalists. This man, in the early period of his life, was for several years tumbler to a quack doctor, who travelled through the United States, vending his nostrums. In these itinerant speculations, General Williams, who is remarkable for activity and strength of body, used to carry upon his shoulders all the stage apparatus and several chests of medicine. When the revolutionary war broke out, he enlisted in the army, and by his valour more than his honesty rose to the rank he now holds. In 1776, he was elected a senator from the state of New York, but was expelled two years afterwards for the crimes of perjury, forgery, and corruption, as may be seen by the journals of that assembly.*

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* The following are the charges which were preferred against him by the Senate of New York, on the 24th of October, 1778:

1. That John Williams, Esq., has ordered regimental courts martial, for the trial of persons upwards of fifty years of age, and others; and for offences not cognizable before any court martial of the militia, authorized by the law of this state, in which case the supposed delinquents have been fined in different sums, from four shillings up to thirty pounds; and that in consequence thereof, their personal property had been distrained, and sold at an under value, to their great loss and impoverishment, and without being duly convened at such court martial, and furnished with an opportunity of defending themselves.

2. That Lieutenant-Colonel Webster, of the said John Williams's regiment, was not only not consulted about the appointment of such courts martial, but was never appointed or requested by the said John Williams, to sit in, or attend at either of them; although the said John Williams had frequent and ready admission at the said courts martial.

3. That he not only subjects persons, by means of such pecuniary punishments as aforesaid, to heavy forfeitures, but also for effectually levying them, threatens many of the inhabitants of the county to try them for their lives, unless they submit to the penalties imposed by such courts martial as aforesaid; declaring, to their great distress, that he has it in his power to strip them of all their property.

4. That he has made false abstracts for the militia, who have been in actual service under him, whereby he has, to the prejudice of the continent,

The federalists exclaim against the private characters of those men who figured in the National Assembly and Convention of France; while they pass over in silence the vices of their own party. But let them examine the life and actions of this beloved friend of Mr. Adams, and compare them with the deeds of the blackest jacobin who ever graced the bloody

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received much greater sums than it was ever conceived were due to such militia; and has withheld from persons belonging to his regiment, pay that was actually due them, and received by him for their use.

5. That in the trial of sundry persons, before such courts martial as aforesaid, for supposed offences, he has caused the said courts to inquire into facts, which, if they ever happened, must have been perpetrated long before the militia law took place; thus making a law, which was only intended to apply to cases posterior in their occurrence to the law itself, have retrospect to facts, which if real, must have occurred before the passing thereof.

6. That when the continental troops abandoned Ticonderoga, and retreated from the enemy, and they advanced into the country, he sent one Jonathan Baker to Major Skeene, in the enemy's service, and furnished him with hard money to bear his expenses; that Baker returned from Major Skeene with a manifesto and proclamation from General Burgoyne, calculated to enforce the submission of the inhabitants; which manifesto and proclamation were brought into the committee and by them suppressed.

7. That afterwards, when the enemy had advanced as far as Fort Ann, and the danger of the inhabitants thereby increased, he called the people of his regiment together, and told them that they must take care of themselves, intimating thereby his declining to command them; and that afterwards, having collected them in his barn, he told them they had but one of three things to choose, to wit, either to fly for their lives, or to take up arms and fight the enemy, or submit to them and take protections. And that afterwards, when Captain M'Crocker, a continental officer, arrived on the spot, he, the said John Williams, abandoned the command of his regiment to the said officer. (Page 136, Journal of the Senate of the State of New York, for 1778.)

On the 28th January, 1779, General Williams, after a full investigation of these charges, was found guilty of those contained in the second and fourth articles, and in some instances, of those in the first article. (Page 159, Journal of the Senate.) On the 8th of February, 1779, he was expelled by the following minute: (Page 166, Journal of the Senate.) The crimes of which John Williams, Esquire, stands adjudged by the resolutions of this Senate, of the 29th of January last, hold him up as entirely destitute of integrity, evidenced by his unjust misapplication of military authority, his flagrant peculation on the United States of North America, his dishonest attempts to deprive the militia under his command of their just pay, and his after attempts to cover his injustice by undue applications of a great part of the moneys which he had received from the pay office of the said United States, upon false and fraudulent pay abstracts, fabricated and attested by himself. In this accumulated and just view of his conduct, he appears to this Senate wholly unworthy to represent the good people of this state in the dignified and important place of a senator thereof.

Resolved, therefore, that the said John Williams, Esquire, be, and he is hereby expelled this Senate.

list of Robespierre, and they will find that John Williams is infinitely their superior in perfidy and low chicanery. It is inconceivable how this man ever came to be elected a member of Congress, or how the House of Representatives suffered him to profane their presence; unless we suppose that an interval of time had cast a shade over his villany, and that in the dearth of honesty the rogue crept in.

Jonathan Dayton, of New Jersey, the late speaker of Congress, is notorious from Boston to Georgia. The deeds of the other members of Congress were scarcely known beyond the circle of their respective states, but the speculations of this man have rung throughout the western world. They are unfolded in sixteen letters to one Francis Childs, which were made public by a bill of complaint which Dayton and one Lawrence presented to the chancellor of New York, against Childs. The letters will speak for themselves;* for any com-

* *To the Honourable Robert R. Livingston, Esquire, Chancellor of the State of New York.*

The bill of complaint of Jonathan Hampton Lawrence, and Jonathan Dayton, humbly complaining, show unto your honour, your orators, Jonathan H. Lawrence, and Jonathan Dayton, of the city of New York, merchants, trading and using commerce, together with Francis Childs, under the style or firm of Lawrence, Dayton, and Co. That some time in or about the thirteenth day of May, in the year of our Lord one thousand seven hundred and ninety-six, the said Francis Childs, and a certain William Denning, jr., applied to your orators to endorse two promissory notes for them; the one drawn by the said Francis Childs for the sum of eighteen thousand eight hundred and ten dollars, the other drawn by the said William Denning, jr., for the sum of six thousand six hundred dollars, both dated on the said thirteenth of May, in the year last aforesaid, and payable, with interest, in eighteen months after date; and your orators show, that in compliance with such request, they endorsed the said notes with their said firm, and delivered the same to the said William Denning, jr., and Francis Childs. And your orators show, that the said several promissory notes were delivered by the said Francis Childs and William Denning, jr., to a certain Thomas Marston, in pursuance of a colourable agreement for the sale of land-office warrants; which, as your orators are informed by the said William Denning, jr., was an usurious agreement for the loan of money at an interest greatly exceeding the interest of seven per cent. per annum. And that the said notes were made and given by them, and received by the said Thomas Marston, to secure the said sum, and the illegal and usurious interest thereof, contrary to the form of the statute in such cases made and provided; whereby your orators are advised, the said several notes are void and of no effect. And your orators further show, that at and for some considerable time after the said thirteenth day of May, one thousand seven hundred and ninety-six, the said Francis Childs, and the said William Denning, jr., were and continued to be solvent; but that your orators did not pay the said notes and endorsements, to secure themselves against the said endorsements by suits against the said

ment upon such a scheme would only tend to render stale and less flagrant the rascality of the transaction. Some crimes are so horrible in their nature as will not endure the lash of

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William Denning and Francis Childs, they being assured by the said William Denning, jr., that the said corrupt agreement could be proved by evidence in his possession, and that the said evidence should be produced; the said William Denning, jr., having formally forbidden your orators to pay the said note, on the ground of such corrupt agreement. But now, so it is, may it please your honour, that the said Francis Childs, and William Denning, jr., having become insolvent, the said Thomas Marston delayed commencing any prosecution against your orators, until the said William Denning and Francis Childs became insolvent; but about a year after the said notes became due, commenced a suit in the Supreme Court of this state, against your orators, as endorsers of the several notes. And the said Francis Childs and William Denning, well knowing their inability to pay the said notes, in case they should be taken up by your orators, but combining and confederating themselves to and with the said Thomas Marston, and to and with divers other persons, at present unknown to your orators, whose names, when discovered, they pray may be inserted in this their bill of complaint, with proper and apt words, to charge them as parties thereto, in this respect, how to injure and aggrieve your orators, refuse to produce the testimony of the original agreement and consideration for the said notes; and the said Thomas Marston refuses to discover whether any, and what sums of money were left in his hands, by the said Francis Childs or William Denning, jr., or either of them, which ought, in equity, to have been endorsed as a payment thereon. All which actings and doings of the said confederators, are contrary to equity and good conscience, and tend to the manifest injury and oppression of your orators. In tender consideration whereof, and forasmuch as your orators are wholly remediless in the premises, by the court rules of the common law, the said suit being now pending against them, and your said orators being unable to plead, on account of the want of such precise information of the evidence of the said original agreement as the said confederates possess, but which they now refuse to communicate, and that the rather, as the information relative to such evidence, together with the delay in bringing the said suit, tended to prevent your orators from securing themselves against the said endorsements. To the end, therefore, that the said Thomas Marston, Francis Childs, and William Denning, jr., and the rest of the confederators, when discovered, may, upon their several and respective corporeal oaths, true, full, and perfect answer make, to all and singular the premises, in as full and ample manner as if the same were here again repeated, and they thereto interrogated. And that the said suits at law against your orators may be enjoined, and that they may have such farther and other relief, as to your honour shall seem meet, and be agreeable to equity and good conscience. May it please your honour, to grant unto your orators, the most gracious writ of the people, of injunction to the said Thomas Marston, his attorneys, counsellors, solicitors, and agents, and every of them, to be directed, thereby commanding them, under a certain pain, therein to be expressed, absolutely to desist from further prosecuting the said suit at law against your orators, until the said defendants shall have fully answered this bill, and your honour shall make other order herein to the contrary. And may it also please your honour, to grant unto your orators, the most gracious writ of the people, of injunction to the said

censure, and the actions of Dayton are of this class. Mr. Callender says there appears to be something about this federalist which even treachery cannot trust.

Thomas Marston, Francis Childs, and William Denning, jr., and their confederates, when discovered, commanding them and every of them, at a certain day, and under a certain pain, therein to be expressed, to be and appear before your honour, in this honourable court, to answer all and singular, and to stand, to perform, and abide, such order and decree therein, as may be agreeable to equity and good conscience: and your orators will ever pray. J. H. LAWRENCE.

Sworn this second day of June, 1800, before me,
JAMES M. HUGHES, *Master in Chancery.*

I certify that I have perused the within bill, and in my opinion a writ of injunction ought to issue, agreeably to the prayer thereof, the suit at law not being at issue. JAMES M. HUGHES, *Master in Chancery.*
Dated 2d June, 1800.

I certify the preceding to be a true copy of a bill filed in my office, July 5, 1800. ISAAC L. KIP, *Clerk of Chancery.*

Answer of T. Marston to the above Complaint.

State of New York, Court of Chancery, } *The several answers of Thomas Marston, defendant, who is impleaded with Francis Childs and William Denning, junior, to the bill of complaint of Jonathan H. Lawrence, and Jonathan Dayton, complainants.*

IN CHANCERY.

This defendant now, and at all times hereafter, saving and reserving to himself all, and all manner of benefit, and advantage of exception, that may be had or taken, to the many errors, uncertainties, and manifest insufficiencies, in the complainant's said bill of complaint, contained for answer thereto, or unto so much thereof as this defendant is advised is material or necessary to make answer unto, he answereth and saith, that some time in the month of April, or the beginning of May, in the year of our Lord one thousand seven hundred and ninety-six, this defendant holding certain land-office warrants, he was applied to by Francis Childs, named in the said bill of complaint, through his agent, George Knox, to sell the same warrants to him; that this defendant agreed with the said agent to sell the said warrants at and after the rate of fifty-five dollars for each hundred acres; that the number of warrants amounted, as near as this defendant can recollect, to four hundred and sixty-two, covering in the whole forty-six thousand two hundred acres of land. And this defendant further saith, that the amount of the consideration to be given for the said warrants, was twenty-five thousand four hundred and ten dollars; and that the same this defendant agreed to accept in notes, payable within eighteen months, with lawful interest; and this defendant further answering, saith, that on the thirteenth day of May, in the year of our Lord one thousand seven hundred and ninety-six, the agreement for the sale of the said land-office warrants was completed, and,

Four members from Pennsylvania voted for the alien act; and Mr. Hartley, who was then absent, voted for the sedition act.

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as near as he can recollect, he delivered the said warrants to the said agents, or a clerk of the said Francis Childs, and at the same time, this defendant received a promissory note, dated the said thirteenth day of May, in the said year one thousand seven hundred and ninety-six, made by the said Francis Childs, in favour of Lawrence, Dayton, and Co., for the sum of eighteen thousand eight hundred and ten dollars, payable in eighteen months, with interest, which note was endorsed by said Lawrence, Dayton, and Co., to William Denning, jr., and by the said William Denning, jr., endorsed to this defendant. And this defendant further saith, that for the residue of the said consideration for the said warrants, he received one other promissory note, bearing date the said thirteenth day of May, in the year one thousand seven hundred and ninety-six, made by the said William Denning, jr., in favour of Lawrence, Dayton, and Co., for the sum of six thousand six hundred dollars, payable in eighteen months, with interest, which note was endorsed by the said Lawrence, Dayton, and Co., to this defendant. And this defendant further saith, that the said agreement for the purchase of the said land-office warrants, as aforesaid, was an honest and bona fide transaction, and not a corrupt or usurious agreement; neither are the considerations expressed in the said promissory notes, usurious or illegal; neither were the said notes given for the loan of money, at an interest exceeding the interest of seven per cent. per annum; but the same were given to secure to this defendant the payment of the amount of the consideration money agreed to be given to this defendant, for the said land-office warrants, and for no other purpose. And this defendant further answering, saith, that some time after the said notes became due, he caused a suit to be instituted in the Supreme Court of Judicature of this state against the complainants upon the said note; that as this defendant hath been informed by his attorney, and which information he believes to be true, in such suit it was plead in abatement of the same, that the said Francis Childs was their partner; and thereupon the said suit was discontinued, and the suit alluded to in the complainant's bill of complaint, instituted, and is now depending. And this defendant further saith, that he has not received at any time, either from the complainants, the said Francis Childs, or the said William Denning, jr., any payment whatever, on account of the said notes, or either of them; but that the sum of twenty five thousand four hundred and ten dollars, the amount of the said notes, with the lawful interest thereon, from the said thirteenth day of May, in the year one thousand seven hundred and ninety-six, is now justly due this defendant. And this defendant humbly insists, that the allegations of the said complainants, in their said bill of complaints, are mere pretexts to avoid paying a just debt. And this defendant further saith, that as the agreement for the sale and delivery of the said land-office warrants, was a verbal one, from the length of time elapsed since the making of it, he cannot, from his recollection, set forth any further or more relating thereto than what he hath already done in this his answer. And this defendant further saith, that he denies all, and all manner of unlawful combination and confederacy, wherewith he is charged, without that there is any other matter, cause, or thing, in the complainant's said bill of complaint contained, material or effectual in the law, for this defendant to make answer unto, and not herein and hereby well and sufficiently answered, avoided, traversed, or de-

William Craik, of Maryland, was originally a man of some moderation, and possessed of a considerable share of political knowledge. By both parties he was heard with deference

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nied, is true, to the knowledge and belief of this defendant, all which matters and things this defendant is ready and willing to aver, maintain, and prove, as this honourable court shall direct; and humbly prays to be hence dismissed, with his reasonable costs and charges in the law, in this behalf, most wrongfully sustained. THOMAS MARSTON.

Sworn the 1st of July, 1800, before
THOMAS COOPER, *Master in Chancery.*

Answer of Francis Childs, &c.

State of New York, in Chancery. } *The several answers of Francis Childs, defendant, who is impleaded with Thomas Marston and William Denning, junior, to the bill of complaint of Jonathan H. Lawrence and Jonathan Dayton, complainants.*

This defendant, saving to himself, now, and at all times hereafter, all, and all manner of benefit, and advantage of exception, that may be had or taken, to the many untruths, errors, uncertainties, and manifest insufficiencies, in the complainants' said bill of complaint, contained for answer thereunto, or unto so much thereof as this defendant is advised is material or necessary for this defendant to make answer unto, he answereth and saith, that some time previous to the thirteenth day of May, in the year of our Lord one thousand seven hundred and ninety-six, this defendant and the complainants, Jonathan H. Lawrence and Jonathan Dayton, became partners in trade, under the firm and style of Lawrence, Dayton and Co. That the said Jonathan Dayton was then Speaker of the House of Representatives in Congress, and resided, at that time, in the city of Philadelphia, and from his situation in public life, well knowing the advantages which would result from speculating in land-office warrants, projected a speculation, and wrote to this defendant, in the city of New York, to purchase a quantity of paper of that description; that thereupon, this defendant learning that Thomas Marston, of the city of New York, gentleman, had a number of land-office warrants to dispose of, this defendant applied by his agent, to the said Thomas Marston, for the purchase of the said warrants, which were in number four hundred and sixty-two. And this defendant agreed with the said Thomas Marston, to allow for the same, at and after the rate of fifty-five dollars for each hundred acres of land contained in the said warrants, to be paid within eighteen months, with interest. And this defendant further saith, that the said warrants were to, and did actually, cover forty-six thousand two hundred acres of land. And this defendant further saith, that at the time the said speculation was on foot, he communicated the same to the said Jonathan H. Lawrence, who expressed a wish to be concerned therein; that thereupon this defendant wrote to the said Jonathan Dayton upon the subject, who approved of the said Jonathan H. Lawrence being concerned in the said speculation. And this defendant further saith, that William Denning, junior, of the city of New York, also knowing of the said speculation, did apply to this defendant, to let him, the said William Denning, junior, into a share of the said purchase and speculation; that thereupon this defendant consulted with the said Jonathan

and respect; but this did not please Mr. Adams, and a friendly hint was given to him by secretary Pickering that neither praise nor profit could be got by such conduct.

H. Lawrence, who was the acting partner of the house of Lawrence, Dayton and Co., and who consented to the said William Denning, junior, becoming interested in the said purchase and speculation with them. And this defendant further answering, saith, that he, immediately thereafter, by his said agent, concluded the said agreement with the said Thomas Marston, and informed him that the said William Denning, junior, was to be concerned with this defendant, the said Jonathan H. Lawrence and Jonathan Dayton, in the said purchase. And this defendant further answering, saith, that in order to secure to the said Thomas Marston, the payment of the consideration money, agreed to be paid to the said Thomas Marston, for the said warrants, at the time aforesaid, and at the rate aforesaid, amounting in the whole to the sum of twenty-five thousand four hundred and ten dollars, this defendant, in consequence of a previous understanding between him and the said Jonathan H. Lawrence for that purpose, and at his request, did, on the thirteenth day of May, in the year one thousand seven hundred and ninety-six, make a certain promissory note to Messrs. Lawrence, Dayton and Co., payable to them, or order, in eighteen months after date, for the sum of eighteen thousand eight hundred and ten dollars, with interest, (that sum being the amount of the said warrants which fell to the share of Lawrence, Dayton and Co., on such purpose) which note was endorsed by the said Jonathan H. Lawrence, for Lawrence, Dayton and Co. to the said William Denning, junior, and by the said William Denning, junior, endorsed to the said Thomas Marston. And this defendant further saith, that for the residue of the consideration money for the said warrants, the said William Denning, junior, did make a certain other note to the said Lawrence, Dayton and Co., payable in eighteen months, for the sum of six thousand six hundred dollars, with interest, (that sum being the amount of the said warrants, at the rate aforesaid, which fell to the share of the said William Denning, junior), which said last mentioned note was endorsed by the said Jonathan H. Lawrence, for the said Lawrence, Dayton and Co. to the said Thomas Marston. And this defendant further saith, that said notes being thus drawn, endorsed and delivered to the said Thomas Marston, the said land warrants, at the same time, were delivered by the said Thomas Marston to a clerk of this defendant, and this defendant delivered the same to the said Jonathan H. Lawrence, and who, to the best of this defendant's recollection and belief, entered the same, or such parts thereof as belonged to the said Lawrence, Dayton and Co., in the books of the said company, and delivered the same, which fell to the share of the said William Denning, junior, to him. And this defendant further saith, that he is informed that the said William Denning, junior, some short time after, sold and disposed of the said land warrants which fell to his share, to a profit; and that the said Lawrence and Dayton, though not for the benefit of Lawrence, Dayton and Co. located a part of the said warrants which fell to their share, on lands of an immense value. And this defendant further answering, saith, that the said agreement, for the said purchase of the said land warrants, was not a corrupt or usurious agreement; neither were the considerations expressed in the said notes usurious or illegal; neither were the said notes given for the loan of money, at an interest exceeding the interest of seven per cent. per annum; but the same were given to secure to the said Thomas

For the speculations of General Morgan, of Virginia, I must refer the reader to Captain Stephenson's printed letters. Morgan held an office in the Pittsburgh expedition, and

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Marston the consideration money to be paid for the said warrants, which were purchased upon good faith, and a fair transaction. And this defendant further saith, that the said note, so as aforesaid drawn by this defendant, was not for his own private benefit or account, but on account of the said Lawrence, Dayton and Co. And that before and since the filing of the said bill of complaint, the said Jonathan H. Lawrence has acknowledged the same to this defendant. And this defendant further saith, that before the said notes became due, he went to Europe; and that before he went to Europe, conceiving himself not separately answerable for the payment of the said note so drawn by him as aforesaid, he never made any arrangements for the payment thereof when the same became due; but this defendant saith, that when he went to Europe, he left in the hands of the said Jonathan H. Lawrence and Jonathan Dayton, personal property sufficient to have paid his proportion of the said notes, which property might easily have been turned into money, and the notes paid off and discharged, had the said Jonathan H. Lawrence and Jonathan Dayton been disposed so to do. And this defendant further saith, that he has been informed, and verily believes, that after the said William Denning, junior, had given his note as aforesaid, and before the same became due, the said William Denning, junior, became insolvent.

And this defendant further saith, that the said speculation in the said land warrants, was a project and contrivance of the said Jonathan Dayton, whilst he was Speaker of the House of Representatives in Congress, as this defendant can abundantly show by letters from the said Jonathan Dayton, to him upon the subject, and copies of which are hereunto annexed. And this defendant further answering, saith, that he cannot but confess that the whole amount of principal and interest on the said notes, are now honestly due to the said Thomas Marston, agreeable to the tenor of the said notes, and that the said notes ought long since to have been paid off: And this defendant denies that any payment whatever has been made by him to the said Thomas Marston, on account of the said notes or either of them; and insists that the allegations of the said complainants as contained in their bill of complaint, are mere shifts used by them to delay or get rid of the payment of a just debt: And this defendant further answering, saith, that he knows not of his own knowledge, when the suit mentioned in the complainants' bill of complaint was instituted upon the said notes, but he has been informed and believes, that during his absence in Europe, a suit was commenced upon the said notes, against the said Jonathan H. Lawrence and Jonathan Dayton, and that to such suit, the said complainants plead in abatement, that this defendant was not a party to the said suit: and that thereupon the said suit was discontinued, and a suit commenced anew in the Supreme court of this state upon the said notes, in which suit this defendant is made one of the defendants, and which suit, as this defendant is informed, is the one now alluded to in the complainants' said bill of complaint. And this defendant further saith, that as the agreement respecting the purchase of the said land-office warrants, from the said Thomas Marston, was not reduced to writing, he can declare or discover no other agreement than the one before in this his answer, set forth in that behalf. And this defendant denies all, and all manner of unlawful combinations

shared very deeply in the profits of that job. Want of health prevented his attendance when the alien and sedition bills passed, or he would, without any hesitation, have voted for the royal pair.

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and confederacy wherewith he is charged—without that, that there is any other matter, cause or thing in the complainants' said bill of complaint, contained material or effectual in the law for this defendant to make answer unto, and not herein and hereby well and sufficiently answered, avoided, traversed or denied, is true to the knowledge or belief of this defendant, all which matters and things this defendant is ready and willing to aver, maintain and prove as this honourable court shall direct, and humbly prays to be hence dismissed with his reasonable costs and charges in the law, in this behalf wrongfully sustained. FRANCIS CHILDS.

Sworn this 26th day of June, 1800, before me,

THOMAS COOPER, *Master in Chancery.*

LETTER. (No. 1.)

DEAR SIR,—I transmit herewith Finlay's Commercial Register, which may be useful to you and L. D. & Co. as matter of information. I hope to hear from you upon the subject of the warrants, when the mail which left New York yesterday arrives here. A large company is forming itself here, for the purchase of United States lands, and a part of their capital is to be 2000 military land warrants; but it will be impossible for the company to procure them without paying a very high price. Yours in haste,

JONA. DAYTON.

P. S. You need not mention my name.

FRANCIS CHILDS, ESQ., *New York.*

Free. JONA. DAYTON.

(No. II.)

Philadelphia, January 27, 1796.

DEAR SIR,—I have been very directly informed that military land warants have been, within a few days, sold in New York, *upon time*, at seventy-five dollars per hundred acres. Will you employ some broker, who is in that line, to inquire how much can be had in cash for them, to the amount of two hundred warrants, or 20,000 acres, and how much upon time, with or without the legal interest. Do not mention my name to the broker, or any other person; nor make it known that it is my wish to sell, as such information might possibly have an influence to produce a fall. The committee have reported a bill for the sale of lands, in the North-Western territory; have fixed the price at two dollars per acre, and have admitted military warrants, in payment for all purchasers, in the proportion of one-seventh. As soon as it comes from the press I will transmit it to you. The same committee are preparing two other bills, the one for sale of lands in the South-Western territory, and the other, for the grant of the military tracts upon the location of military warrants. You will oblige me by writing on this subject by Monday's mail. JONA. DAYTON.

P. S. Mr. Mitchell was one who gave seventy-five dollars.

F. CHILDS, ESQ.

James Machir is a Scots tory, and cautiously withdrew himself to the country before the bills were brought forward. Thomas Evans, also of Virginia, voted for both, and de-

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(No. III.)

Philadelphia, January 29, 1796.

Dear Sir,—I send you a copy of the bill for the sale of lands in the North-Western Territory; it would be well for Mr. Morton to publish it, that any persons may be at liberty to make such remarks, either by letters to members, or otherwise, as suggest themselves. Has Capt. Waddell sailed? and did he sail before the receipt of my letters? It is possible that the publication of the enclosed bill, on Monday, may so affect the market for warrants as to raise them on Monday evening. I wish, therefore, you would write to me by Tuesday's mail. If your broker should be offered more than fifty-two dollars in cash, or in proportion for thirty or sixty days, you may direct him to make engagements for two hundred warrants, or 20,000 acres, to be delivered in eight days; or you can probably borrow them from Capt. Watson, or some other friend, until I can send them from this place. Your attention to this will oblige your friend, &c. JONA. D.

Francis Childs, Esq.

(No. IV.)

Philadelphia, February 5, 1796.

Dear Sir,—In consequence of the great scarcity of cash, it may perhaps be more beneficial to make sale of the warrants upon credit. I wish the first payment of four thousand dollars to fall due the 30th of March, and the residue at such convenient times thereafter as may accommodate the purchaser. I expect an opportunity in one or two days to send forwards the two hundred warrants, as I shall want a supply of money in a few days beyond what I have at command. I would consent to your taking for one-third or one-half of them, fifty dollars in cash, if you cannot get more, as they have been sold in New York for seventy-five dollars on a year's credit. It is best to request your agents to ask high enough for them, and to know from any persons offering to purchase what they will give.

A company has formed itself here, which will absorb sixteen or eighteen hundred land warrants, amounting to 160 or 180,000 acres. I have desired Mr. Meeker to sign, in name of J. H. Lawrence & Co, such number of shares as amount to 30,000 acres, payable in warrants. If you or he wish to come in, it is so arranged that you can come in for a part of the 30,000, after the plan of the association and its objects are made known to you. Write to me by the next mail, and believe me yours, with esteem, J. D.

Mr. Childs.

(No. V.)

Philadelphia, Feb. 9, 1796.

Dear Sir,—I have received yours of yesterday, and agreeably to my promise transmit you herewith a copy of the bill reported by the committee, for locating military land warrants. Is it necessary that I should send you the warrants before I have information that you have stipulated for their sale? as in case you fail I should wish to have them here, to take advantage of any sudden favourable offer in this place. If, however, you think it advisable, I will forward them by the first good opportunity, although the one

fended them in a pamphlet, the style and language of which were not ill adapted to the dignity of the cause he had undertaken.

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which I expected by Mr. Ogden has failed, he having returned from Trenton home without visiting us as he had proposed. What terms have been offered you for the warrants in cash or on time? The enclosed bill may be printed if you think best.—Yours with esteem, J. D.

P. S. Do you know whether James Watson still holds his warrants?

F. CHILDS, ESQ.

(No. VI.)

Philadelphia, Feb. 10, 1796.

DEAR SIR,—I have this moment received yours of yesterday, and approve of the sale at fifty dollars for the whole two hundred. A good opportunity must be sought for transmitting them to you. I will thank you to inform me on what day you must have them, so that if a good conveyance does not previously offer, I must send a person purposely with them to reach you within the time. The payment in ten or fifteen days will answer my purpose well, provided you are certain of a compliance at that time, and the warrants are only to be delivered at the moment of payment. You will please to employ the money as you propose for me, if to be done safely and to great advantage. I have fifty more which I would sell at fifty-five dollars for sixty days to Mr. M., if he can give you a good endorser—perhaps John Stites. Inform me the day I must send them, and what can be had in cash or on credit, when you write me. I am holder of a very large quantity, which higher prices alone can tempt me to sell; do you know who are the buyers generally in your market?

The charters you request, shall be procured and sent.—Yours,

JONA. DAYTON.

FRANCIS CHILDS, ESQ.

(No. VII.)

Philadelphia, February 15*th,* 1796.

DEAR SIR,—Mr. Benjamin Williamson is now here, and will leave this place on Wednesday morning. I shall send the warrants by him, and he has promised that he will take them immediately to you in New York, so that you may expect them on Saturday at farthest. Do not lose sight of the contract you have made, for I am aware that they will experience a temporary fall, and if you fear any disadvantage from the delay, it may be possible to borrow them; but as your letter mentions that you are to be paid in twelve or fifteen days, I conclude the purchaser will think himself favoured that you do not call upon him sooner. Your broker or agent would do well to inquire whether he will be ready to pay the money, and receive the warrants by Saturday, or if it is preferred, by Monday. Is it improper for you to tell me who the purchaser is? I am promised the papers which you wished to have to-day.—Yours in haste,

FRANCIS CHILDS, ESQ. JONA. DAYTON.

(No. VIII.)

Philadelphia, February 23*d,* 1796.

DEAR SIR,—I have received your's of yesterday: I am of opinion that the land-office bill will pass, the difference in sentiment which occurs in

Mr. Grove was the only member from North-Carolina who supported these bills. This man, to use the words of Junius, is only "the Punch of the puppet-show, to speak as he is prompted by the chief juggler behind the curtain."

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debate appearing to turn principally upon the mode and system rather than upon the expedience of doing it. Warrants cannot be got here at fifty—no broker or other person will engage to supply two or three hundred under sixty dollars each, but they bid no price in proportion in cash, as it is extremely scarce. I have not sold out as St. and Salt, suspect; or rather I hold more than two-thirds of all I had, believing that they cannot eventually fall. I may, however, sell sixty more, but not for less than those you disposed of for me. They will, I am sure, soon rise in New York, as they are not to be had here; and the Spanish treaty, which is arrived, and is said to have secured the navigation of the Mississippi, will give a new spring to that speculation. You will, without doubt, close the business of your w———t contract as soon as possible, that you may have and employ the money to the best and earliest advantage. In great haste, yours,

F. CHILDS, Esq. J. DAYTON.

(No. IX.)

Philadelphia, March 1, 1796.

DEAR SIR,—Colonel Samuel Ward has probably informed you, that at his request, and to accommodate Mr. Comfort Sands, I agree to give up the bond and mortgage on the two lots, and take the note of the one, endorsed by the other, for the sum. My papers are in the hands of Mr. Lawrence, to whom, with you, I have referred the business. I will thank you for your attention to it, and particularly to see that I am made secure, as you know infinitely better than I do the circumstances of the merchants or men of business. If Colonel Ward should comply with my request, and anticipate the payment of one third or one half, by giving one note payable on the 30th of March, and postponing the like proportion of it to a more distant time, it will oblige me, but I would not insist upon it as the condition of my compliance. Will you be so obliging as to inform Mr. Lawrence that I have received his letter upon the subject of the new Insurance Company about to be established in New York, and I authorize him or you, if you think it advisable, and subscribe for yourselves, to put down my name for twenty shares exclusively of the subscription for the company. Have you yet received the money for the w———ts, or what prevents your receiving it? The interest itself on such a sum is of some consequence, even if no other injury can arise from delay. Do you know their price at this time in New York? It has been hinted to me, that the long expected ratification of the British treaty is arrived, and that the whole will be promulgated by proclamation, in this evening's paper. The Spanish treaty is now before the Senate, and is said to be very favourable. It will, when known, undoubtedly give a new spring to our land-office bill, and enhance the value of *our* western lands. Yours with regard, JONA. DAYTON.

P, S. Mr. Denman, in course of conversation, has just mentioned that he sold two hundred warrants on a credit of thirty days, at fifty-one dollars. Have you made the change in the original contract; or were they other w———ts.

F. CHILDS.

The members from South-Carolina who voted for the alien and sedition acts, were Thomas Pinckney, Robert G. Harper and John Rutledge.

(No. X.)

Philadelphia, March 14, 1796.

Dear Sir,—I have drawn upon you this morning in favour of Matthias Denman, for four thousand dollars, payable in fourteen days from the date.

You will, of course, take care to bring within your reach by that time so much of the proceeds of the sales of my w———ts as will enable you to discharge the bill. Are you employing the money to advantage, or is it still in the hands of the purchaser? and if so, what does he allow for the use of it? How long notice must be given you, if I should find it my interest to draw for the residue? A contract which I have lately made, will, if fulfilled by the other party, impose on me an obligation to pay, by instalments, about 3,500 dollars, six hundred of which are to be on demand. He is disposed to make a considerable abatement from the residue for prompt payment; but not knowing what you are to receive, I cannot judge whether it is better to leave the money where it is. You have, I find, organized your Insurance Company, but the president is a man whose name I never before heard. Do you know anything yet respecting Captain Landon, or do you expect to see before you hear from him? Can you tell the highest price obtainable in cash or on credit, with approved notes, for one hundred warrants? It has become very problematical whether the rice speculation will prove as advantageous as was at first expected—what think you of it? Have you heard from Captain Waddell? Yours with esteem, JONA. DAYTON.

Francis Childs, Esq.

(No. XI.)

Philadelphia, March 24, 1796.

Dear Sir,—By Captain Clay, of this town, who left Liverpool the 22d ult., we have an inundation of news—I enclose the hand-bill and paper. You will readily perceive that the most important article, under the head of the preliminary convention for peace, was a fabrication.

I advised you, in a former letter, of my having drawn upon you for 4000 dollars, in favour of Mr. Denman; I have since heard nothing from him or you. It was my wish to have been informed, likewise, how the product of the warrants is situated, and what compensation is to be allowed for its use, as a very handsome offer had been made, which I could not accept until I had advice from you. With sincere regard, yours,

Francis Childs, Esq. JONA. DAYTON.

(No. XII.)

Philadelphia, March 29, 1796.

[Extract.]

Dear Sir,—The committee, yesterday, reported the land-office bill, conformably to the alterations and amendments made in committee of the whole house; it is ordered to be printed, and when put into our hands a copy shall be sent—my opinion is that the bill will pass. On what terms are the 400 w——ts offered you, on a credit of six and twelve months? Not so large can be had here on any terms: but I should wish to compare it first with

The political character of Harper is well known; and probably we shall have his secret history, when, like Alexander Hamilton, he will be obliged to give to the world his amo-

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the offers in this place. In respect to the English treaty, it is my opinion that every question relating to it, in every shape, will have an unfavourable aspect towards it, except the last and most important one, viz. that of making appropriations, upon which occasion, I am inclined to believe, there will be a majority for carrying it into effect. I request you, however, not to mention my name as an authority for it, on account of my situation.

Yours with esteem,

F. CHILDS, ESQ. JONA. DAYTON.

(No. XIII.)

Philadelphia, April 6, 1796.

[EXTRACT.]

DEAR SIR,—I am pleased that you have made the arrangements which you mention, respecting the sum of 5000 dollars, which remains on account of the w——. The w—— you mention cannot, in my opinion, but prove a good bargain at 55, on a credit of 6 months; you are, however, as capable of judging as myself. I have made an offer for 200 here myself, at nearly the same rate. We are discussing the land-office bill, which will undoubtedly pass, great progress having been made in it yesterday.

Yours with esteem,

F. CHILDS, ESQ. J. DAYTON.

(No. XIV.)

Philadelphia, April 19, 1796.

DEAR SIR,—I have received yours of the 15th. There were many reasons which induced a wish that you would become equally concerned with Mr. Lawrence and myself, in the house about to be formed and established in New York—it was therefore with pleasure I read your determination. In answer to your inquiries respecting the English treaty, I assure you that I entertain an opinion different from the leaders of both parties—they think that a majority will refuse appropriations; I do not think so, although it is highly probable that such will be the first vote and decision. As in military so in political contests, an unsteadiness or wavering in the ranks on one side always augurs an unfavourable issue to the party where it is perceived, and rarely fails to produce flight, dismay, and defeat: such symptoms are perceptible in the phalanx of the opposers of appropriations, and I own I shall be egregiously mistaken if (when it becomes a question of nerve) a sufficient number do not tread back their ground to occasion a result very different from that which present appearances indicate. They calculate upon the number you mention, viz. 57, and say that they are certain, and cannot be diminished, but will probably be increased; this would, on account of absentees, make a majority of 15; too large a number to be easily operated upon; but this is no common case. The section in the land-office bill which provided for the admission of military warrants in a certain proportion, in payments, was, upon my suggesting that it would be more favourable and acceptable to the army, to have a tract equal to the Wabash tract, appropriated for military rights near the Scioto, struck out. There did not ap-

rous intrigues, in order to divert public attention from contemplating the schemes he had formed for enslaving his country.

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pear to be a single member opposed to give such a tract in lieu of the other plan, and the bill for locating military warrants will be so amended. The disadvantages of the original plan were, that warrants could only be introduced in proportion as the land sold, for two dollars and upwards, and it could not be expected that in this way, more than one thousand warrants would be absorbed in any one year; as 600,0000 acres was the largest quantity calculated to be sold annually at those prices, and the sixth part thereof would require 1000 warrants or 100,000 acres. On the other plan, the whole number which any man possesses may be located and realized in twelve months, and that on lands good and well situated. The prospect of their rising in value is, in my opinion, fairer than it ever was, and I have since the sale made by you, purchased nearly 100 for cash, 200 on a year's credit with legal interest, and expect to get 2 or 300 more. What is their price with you, on a year's credit, with or without legal interest? Can any and what number be had upon a sudden demand and occasion? The contents of this letter are of such a nature as render it improper to be seen by any except yourself; burn it therefore, when you have perused it, and believe me

Sincerely yours.

(No. XV.)

Philadelphia, April 19, 1796.

Dear Sir,—I have received yours of yesterday. The alarm which you mention to prevail in the city of New York, will be productive of good rather than evil, although I am far from believing that the present state of things warrants it. The shock which private credit is receiving, and the fall of produce, as well as the stagnation of commerce, even though it be temporary, are serious evils. Cannot the friends of Livingston, Havens, Hathorn, Van Cortlandt, and Bayley, be induced to remonstrate seriously with them, against their opposition to making the proper provision for carrying the treaty into effect. Request Mr. Childs to make the attempt. He or his friends must know who have the greatest influence with those gentlemen, and they will, I am sure, respect much more the advice of their friends and supporters, immediately addressed to them personally, than that of a petition directed to the House of Representatives. But I do not mean to discourage the latter mode of declaring your sentiments; but I recommend the sending persons even into the districts of the members I have mentioned, in order to engage influential men to be active. There will be time to do this, for the discussions will probably be very lengthy—or if they are not, the first vote will not be so conclusive but that we may change, whenever a few will come over from the first majority. That majority is diminishing—three from Maryland and the one from Jersey who voted for Livingston's resolutions will now vote for carrying the treaty into effect; two New York members, and two or three are wavering, but are inclined to the Virginia side, if the stir that is making does not shake their nerves. Tell Mr. Childs they must be active, and appoint respectable committees to correspond in all directions, excepting south of the Potomac. Keep up, for a time, the spirit that is now fermenting, and all will yet be well. My opinion is, that your arrangements and establishment in New York should

The characters of Pinckney and Rutledge I reserve until I treat of the election of Mr. Jefferson in South-Carolina.

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go forward, for I cannot persuade myself that a majority will persist in their opposition, or that if they do, the consequences will be so important as are apprehended. This is intended for you and Mr. Childs only, as I would not say anything which would tend to relax the laudable exertions which are about to be made. The purchase you hint at, may, I believe, be made advantageously, if you can hit upon the price when it is at its lowest. Should you be very much pressed for money, I can accommodate you here for a number of days, and until you are more in cash, with the 750 dollars.

Yours with esteem,

JONA. DAYTON.

(No. XVI.)

Philadelphia, May 13th, 1796.

Dear Sir,—Yours of yesterday is received. The three thousand dollars which I asked to be remitted from Mr. Denning before the adjournments, will not probably be wanted before the 24th or 25th, as our session will necessarily be prolonged a few days beyond the time contemplated. I will join you in the purchase of the four hundred and sixty-two w. and am willing that Mr. Lawrence should be concerned also, if he wishes it. Inquire, when you go to the city next week, whether any other considerable quantity may be had, and on what terms, and give me immediate information, and at the same time, where you will be on each day next week, whether in E. Town or N. York. I have sometimes thought it might be advisable to form a company to purchase all the floating w., and afterwards locate them; but some inconvenience would attend such a partnership, which rather deters me from it. Who are these in the city that are purchasing w——— with an intention to hold and locate them? I will write by to-morrow's mail and send you the last report of the land-office committee.—Yours,

JONA. DAYTON.

P. S. Deliver the enclosed Register to Mr. Lawrence, who will probably be at home on Sunday.

F. Childs, Esq.

[Mr. Dayton has since withdrawn his suit, after paying the costs; which is an evident proof of the justice of the answers of Mr. Marston and Mr. Childs, and the injustice of his own complaint.]

CHAPTER VII.

Observations upon the Alien and Sedition Bills—Arrestment of Dr. Smith and Mr. Burk—Origin of Dr. Smith's acquaintance with Mr. Adams—Trial of Colonel Mathew Lyon—Barbarous treatment towards French Prisoners—Case of Joseph Ball and others.

The alien and sedition bills were acts, for the passing of which Mr. Adams deserves to be dragged and impeached before the bar of the Senate; nor will Congress perform their duty to the people, if they suffer such an infringment of their rights to pass unnoticed. The rebellion of Fries, or the outrages committed by the Western mob, were not such flagrant violations of the Constitution of the United States, as those unwarrantable deeds. I do not mean to perplex the reader with a tedious argument upon a subject which has already been so fully discussed; divine inspiration itself, could hardly throw a new light upon it.

The 9th Sect. of Art. 1, of the Constitution, proves, in a sufficient manner, the illegality of the alien bill. "The migration or importation," says that clause, "of such persons as any of the States now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." Judge Iredell wished to persuade the grand jury of Pennsylvania, upon the trial of Fries, that this clause was only intended for blacks; but even allowing his idea to be just, the alien bill contained no exception in favour of negroes more than whites. Aliens of every description, Europeans, Chinese, and Africans were, by this bill, left at the mercy of the President, either to be buried in a dungeon or sent to starve on some inhospitable shore. Neither time nor money was allowed the unfortunate stranger who had incurred the displeasure of Mr. Adams, to enable him to return to his native country; he had only one alternative, either to rot in jail or embark upon the ocean, perhaps without a farthing in his pocket.

It is amazing with what effrontery Judge Iredell laboured

to explain away the above clause. "It is believed," says he, "that it was never suggested in any other country, that aliens had a right to go into a foreign country, and stay at their will and pleasure, without any leave from the government." Supposing this to be the case, the laws of other nations could not supersede and do away an express article in our Constitution, which allowed the importation of aliens for a specified time. America, however, is not the only country which held out this protection for foreigners—in Great Britain, before the alien bill passed, they enjoyed the same privilege of residence as citizens.

Respecting the sedition act, it is entirely incompatible with the following amendment to the Constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the full exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Judge Iredell's sole defence of this bill rests upon the supposition, that it was not intended to affect the liberty of the press, and he is forced to acknowledge, that the above clause in the sedition act, renders void any law which would have that tendency. But it is no difficult matter to prove, notwithstanding the ingenious subtlety of the judge's argument, that the sedition law struck directly at the vitals of that inestimable right.—It imposed a fine of two thousand dollars, upon every person who should write or publish, or cause to be written or published, a libel against the government of the United States, or either House of Congress, or against the President; and by the trials which took place, it may be seen, that any publication which did not approve of the measures of government, and the conduct of the Executive, was construed into a libel. The prosecutions of Lyon and Callender, of Cooper and Holt, are the best commentary upon the sedition law. The names of these gentlemen will be quoted in support of the liberty of the press, and of the tyranny of Mr. Adams, when the laboured arguments of Paterson and Peters, of Iredell,* Addison, and Chase, are no longer remembered.†

* Judge Iredell died a few months after the trial of Fries.

† The Essay of Hortensius, and Mr. Wharton's Treatise on Political Inquiry, may be consulted with considerable profit on this subject.

Dr. James Smith and Mr. Burk, of New-York, the former a citizen and the latter an alien, were among the first who were arrested upon the sedition act. They were the editors of a newspaper called the Time-Piece, and had inserted a paragraph which did not meet with the approbation of the President. An antipathy of a long standing had existed between Mr. Adams and the Doctor. Smith is a native of America; he went to Britain before the declaration of our independence, and afterwards passed over to France. There he got acquainted with Mr. Adams when at Paris, in the year 1777. But these two politicians did not long agree—the open republicanism of the Doctor could not accord with the sly and jesuitical policy of the American negotiator; they were also rivals in other pursuits. The city of Paris is the grand theatre for amusing sport and amorous intrigue. Both Mr. Adams and Doctor Smith were desirous of exhibiting their youthful talents, and of displaying to the metropolis of European fashion, the gallantry of the new world. In these respects Dr. Smith had infinitely the advantage; his lively wit and jeu-d'esprit were more acceptable to the Parisian ladies than the dull and phlegmatic humour of Mr. Adams. This circumstance, joined to a difference in political opinion, created an irreparable breach between them, which was not forgot by the one when raised to the elevated station of President of the United States, or by the other in the more humble capacity of a newspaper editor. When Mr. Adams heard of the Doctor's intention to return to his native country, at the commencement of the present war, he exhibited signs of displeasure and uneasiness; probably he dreaded that some of the frolics in which he acted the part of a lifeless Punch at the palace of Vergennes, would be brought to light; and that Americans would hear with surprise, that instead of a diplomatic character, they had sent a buffoon to the Court of Versailles.

Whether from American or British influence, certain it is, that Doctor Smith could, with the greatest difficulty procure an American captain to carry him to New-York, and even after he had engaged with one, the vessel, either by accident or design, run aground upon the English coast, and notice was sent to the British ministry and the American ambassador that Smith was on board; but no public steps for his de-

tention being taken, he was allowed to proceed for his native country.

Burk knowing, as he was an alien, that he would not only receive the punishment which a federal court would generously bestow, but be afterwards compelled to leave the United States, thought it most prudent to take himself off without waiting for the issue of a trial. The Time-Piece was, in consequence, dropped, and this being the point which Mr. Adams wished to accomplish, the trial of Dr. Smith was never brought forward.

Although the sedition law had now for some time been employed in holding the citizens in subjection, and preventing them from a mutual communication of their griefs and injuries, yet it was never supposed, that Mr. Adams would venture to extend the same scourge of power to the Representatives of the people. This was a step for which he could borrow no precedent even from England, the government of which he so much admired—he was also conscious of the danger of the attempt, and probably would never have tried the experiment, had it not been for the urgent entreaties of his secretaries, Timothy Pickering and Oliver Wolcott. These active inquisitors entertained an implacable aversion towards Colonel Mathew Lyon. They dreaded the open honesty of his tongue, and the rough though just censure of his pen. They knew while this patriot was at large, it would be impossible to cancel truth and lull into lethargy the citizens of Vermont and the Eastern states. But were he deprived of the use of his literary arms, even for a few months, they had hopes that in this time, they might draw the chains of slavery so far over his unhappy countrymen, as afterwards to defy both the force of patriotism and the love of liberty to remove.

The loss of no occurrence in the judiciary courts of America, ought so much to be regretted as an accurate statement of his trial. The rigid discipline practised in the Federal court, in which Judge Paterson presided, prevented even the printer of the Vergennes Gazette from taking notes. The miserable account, therefore, printed in most of the public papers, was the production of one of Lyon's jury, whose name, like that of the traitor Arnold, must fill every honest mind with indignation and scorn.

Thus circumstanced, it is only practicable to relate the leading occurrences that took place on that occasion:

On Friday, the 5th of October, 1798, the grand jury of Vergennes brought into court an indictment containing three counts against Colonel Mathew Lyon, Representative for Vermont. The first of which charged Mr. Lyon, with writing a letter to Mr. Spooner, printer of the Windsor paper, published on the 31st of July last, containing artful and indirect accusations against the President of the United States; importing corruption in his appointment of men to office, displacing and "rejecting men of age, experience, wisdom, and independency of sentiment," and insinuating that he is devoted to a fondness for "ridiculous pomp, idle parade, and selfish avarice." The second and third counts were for uttering, publishing, and printing, of certain parts of a letter, said to be from an American diplomatic character in France, (commonly called the Barlow letter) "abusing, in a most virulent manner, the President and Senate of the United States; and particularly for their conduct towards France."

The indictment contained inuendoes in common form, and averments of the "intention of the defendant to stir up sedition, and to bring the President and government of the United States into contempt, &c."

Mr. Lyon was apprehended and brought before the court on Saturday morning, put to plead, and desired to name his counsel. He pleaded not guilty, and informed the court that he had sent to Bennington for Jonathan Robinson, and David Fay, Esqrs. to be his counsel, but that he did not expect them until Monday—he was, therefore, admitted to bail, and the court put the cause over to Monday. Accordingly, on that day at 11 o'clock, Mr. Lyon was called; he observed that his counsel had not arrived, and requested a postponement: the court adjourned to 11 o'clock; he again requested a postponement, and the court, after some hesitation, adjourned to 12 o'clock.

At 12 the court opened, and Mr. Lyon informed the court that he chose to proceed to trial, although his counsel from Bennington had not arrived. He sent for Judge Israel Smith to advocate his cause, who declined being particularly assigned as counsel, but at Mr. Lyon's desire he sat by him during the trial and advised.

After a statement of the case by Charles Marsh, the attor-

ney of the United States, Mr. Lyon entered upon his defence. He began by observing, 1st, That the court had no jurisdiction of the cause, for that the law of Congress was unconstitutional and void. 2d, That the publications were innocent; and 3d, That the contents were true. This he said he would prove by Judge Paterson, and his friend Judge Smith. He accordingly asked Judge Paterson if he had not frequently dined with the President, and observed his ridiculous pomp and parade: The latter shook his head, smacked his lips, and recalled to his memory the convivial debauch. "Mr. Lyon," says he, "I have sometimes dined with the President, but in place of pomp and parade, have seen a great deal of hospitality without much ceremony." Mr. Lyon then inquired whether he did not see more pomp and servants there than at the tavern where he lodged at Rutland. The judge, conscious that there was some difference between the table of Braintree, and the humble fare of a country tavern, with the privilege of half a bed, made no reply, but smoked a segar. Judge Smith was not examined; and Mr. Lyon proceeded to read several parts of the publications complained of, upon which he made several pertinent, and judicious remarks. The cause was then argued by Mr. Marsh, on the part of the United States, and by Mr. Lyon for himself.

The charge of judge Paterson was neither candid nor perspicuous, but abounded in sophistry: if it had been preserved it would afford an illustrious specimen of federal talents, and federal rectitude.

The jury retired at 8 o'clock in the evening, and brought in their verdict of guilty about 9.

The court called on the prisoner to show cause wherefore judgment should not be pronounced against him; also to give any information he pleased that might serve to reduce the fine. Mr. Lyon requested time until the next morning, which the court accordingly granted.

On Tuesday, when the court met, he informed them, "that he very lately possessed property which he estimated at twenty thousand dollars, and had conveyed it to certain persons who were bound for his debts, amounting to about sixteen hundred dollars—he did not know that he could command two hundred dollars by his property, but he confessed he was worth more than any sum it was in the power of the court to impose on him as a fine."

He also complained "that the juries were packed, and brought from towns which were known to be inimical to him, for the purpose of crushing him; that he was hurried on to trial, and therefore was not prepared."

Judge Paterson, after commenting upon the heinous crime of attempting to ridicule the President, passed sentence on him in the following words:—

"Mathew Lyon, it is the pleasure of this court that you be imprisoned four months, pay costs, and a fine of one thousand dollars, and stand committed until the judgment be complied with."

Colonel Lyon was then conducted out of court, and thrown into a dungeon six feet square, where he was left to starve during a rigorous winter. The character of this patriot cannot be better described than in the words of Dr. Graham, in his sketch of Vermont:

"Fairhaven joins on Skeensborough, and is the most flourishing town in the state; it owes its consequence to its founder, Colonel Lyon, whose enterprise and perseverance in carrying on manufactories, has been of infinite utility to the public, to the gratitude of which he has the strongest claims. He has erected a furnace for casting all kinds of hollow iron ware, and two forges, a slitting-mill for the making of nail rods, a paper-mill, a printing-press, and corn and saw-mills.—It is a curious fact, that Colonel Lyon has executed a good deal of printing at his office, on paper manufactured by himself, of the bark of the bass-wood tree, and which is found to answer every purpose for common printing. He has held some of the first offices in the state, and no man in it can be more qualified to do so, as his knowledge of the finances, and situation of the country is scarcely to be equalled; nor does his integrity ever suffer him to lose sight of the real good of the people—his friendship and generosity are as great as his ambition—his passions, and all his pursuits flow from the noblest feelings of the heart; they are all exerted for the benefit of mankind, and not only endear him to my esteem, but secure to him the respect and affection of all those who are happy in his acquaintance, or who have a knowledge of his character.

The cruelty of Jacobinism has been compared to the horrors of the Jersey prison-ship; but the barbarity of either will hardly bear a comparison with the federal tortures that were practised under the name of economy, upon the crews of two

French vessels, the Sanspareil and the Jaloux. These ships had been captured by some of Mr. Adams's armed cruisers, and the men confined from the 20th of September until the 6th of November, 1798, in the small prison of Newcastle. The following extract from a letter inserted in the Aurora, describes their treatment and their situation: "They have not been allowed a basket to contain the provisions which private humanity bestowed upon them; a single pot serves for every species of vessel for sixty men: locked up at night, they are under the necessity of making use of their hats, their shoes, their handkerchiefs and their shirts, to contain those excretions from which nature has not exempted an individual of the animal creation. They have been without a separate apartment for the sick, nor have they been granted the most trifling utensil to prepare or administer to the sick, the few medicines which they have left. They are totally destitute of warm clothing, and the naked floor of the room, often wet, is the place where they may repose during the night. Men not long from a tropical climate, men long estranged from the rigours of a northern winter, may, without being deemed unreasonable, call this treatment cruel.

"Two of their number have literally perished since their confinement in the prison. One died through want, it not being in the power of his companions to administer medicines; and the other fell a victim to the severity of the cold. Two others must have paid the last debt to nature had it not been for the humane attention of the inhabitants of Newcastle, to whom they owe their protracted existence. These acts of humanity were attributed by a pettifogger of the same place, to some lurking remains of friendship for the French; but his wickedness was of no avail." The letter adds, that the people of Newcastle supplied them with clothes, without which, they say, that many of them must have perished. On the day the letter was wrote, they were, for the first time, visited by Mr. Robert Hamilton, Commissary of Prisoners; they complained to him, but were answered, "that government allowed nothing, and if they had no friends they might perish."

Whatever barbarities may have been committed by the French upon their prisoners, the following fact ought to make Americans blush: A cartel in the end of 1798, was sent from this country to Bourdeaux with seventy French prisoners. They were shut up in a small steerage, with hardly

water and meat for six men. Twelve died of hunger during the passage, six after being landed, and the others were so sick and so much enfeebled that little hopes were entertained of their recovery.

I only mention these circumstances with the view of showing the danger of vesting an unlimited confidence in the officers of government. The best men and the warmest patriots ought to be watched with a jealous eye. Wealth and power render callous the most tender passions, and shade with a mantle of vice the brightest virtues.

Among the federal frauds committed this year, the case of Joseph Ball deserves particular notice. This man, with several others, were holders of bills of credit, issued in pursuance of a resolution of Congress, dated March 18th, 1780. These bills were to be paid out of the funds of individual states; but as credit of this nature was not sufficient for circulating the paper, Congress passed an act which contains the following clause: "that the said new bills, issue on the funds of individual states for that purpose established, and be signed by persons appointed by them, and that the faith of the United States be also pledged for the payment of the said bills, in case any state, on whose funds they shall be emitted, should, by the events of war, be rendered incapable of redeeming them."

A memorial respecting these bills was presented to the House of Representatives in the month of March, 1798, by Ball and others concerned. A committee was appointed to examine their claims. This committee, in their report, quotes the above clause, and then adds the following observations: "The interest accruing on them (viz. the bills) was to have been paid by the United States annually, if called for, in bills of exchange on Europe, and the amount charged to the states respectively. It does not appear, however, that any such payments were made." The interest was several times called for, but never paid; so that in the beginning Congress broke their bargain.

The report then remarks, that the greater part of those bills had been redeemed by the states which stood indebted for them, and adds, that "the bills for which payment is now demanded, are chiefly of those issued by the states of New Hampshire, Massachusetts, and Rhode Island. This species of paper has never been considered as forming any part of the

debt of the United States; in the various arrangements which have been made since the establishment of the present government relative to the debt of the United States, no provision has ever been made for those bills." This appears a strange assertion, for the endorsement upon each of them stood thus: "The United States insure the payment of the within bill, and will draw bills of exchange for the interest, annually, if demanded." At the end of eighteen years this interest is demanded; and the committee report, that the endorsers are not obliged to pay it although the endorsement is not denied.

The committee next observe, that on January 16th, 1795, Mr. Wolcott reported to Congress upon these bills, which the holders had lodged for payment at the Treasury office. The total amount of the principal sums was ninety thousand five hundred and seventy-five dollars. The secretary's plan of redemption I shall give in his own words, viz., that these bills "should be provided for by taking the principal sum of them, without interest, on loan, at five per cent. payable quarter-yearly, redeemable at the pleasure of the United States, and payable in thirty years.

As Mr. Wolcott admits the claim was just, the interest certainly became as much due as the principal sum. At the same time when the committee made their report, the simple interest amounted to near the original sum. In 1798, the money had been owing for eighteen years, and the bills were to bear an interest, according to the original terms of agreement, at five per cent. The interest, therefore, came to eighty-one thousand five hundred and nine dollars and sixty cents—if it had been paid annually, as in justice it ought to have been, it would have amounted vastly higher; for the creditors would then have reaped the advantage of compound interest. Supposing this to have been the case, the account will stand thus:

	Dollars.
Principal sum	90,574
Compound Interest for fourteen years and a hundred and five days, at 5 per cent.	90,674
Do. Interest for the next four years about	41,200
Total sum,	222,148

If this collective sum be divided into five equal parts, the interest will make exactly three out of these five parts. In

other words, if Mr. Wolcott's plan had been adopted, the creditors would have been practically, and in substance, defrauded out of three-fifths of their money. They would have been just in the situation of a man who receives a bankrupt composition of eight shillings per pound.

Upon this scheme of the secretary, Mr. Ball, and the other bill-holders would have made a most pitiful bargain. It would have been singular in any other man but Mr. Wolcott to have proposed such a heavy reduction, after acknowledging in the strongest and fullest terms, the justice of the whole debt. But the nefarious inconsistencies of the ci-devant secretary of the treasury are notorious. The committee then proceed thus: "Good faith demands that the United States should supply the omissions of the states which issued the bills, by providing themselves at the least for the interest upon them; but it is not easy to pronounce on what terms they ought to be provided for"—it is granted, however, by the committee, that Congress were bound to provide for the interest on some terms or other. "It is a well-known fact," continues the report, "that these bills sunk in the same vortex of depreciation with the old continental bills, and while they continued to circulate, were generally in the ratio of forty of the old for one of the new.

This unfortunate depreciation, which operated upon all the paper-money notes, and certificates, issued during the war, necessitated the United States to adopt principles relative to them, which cannot apply in case of ordinary contract. The states, individually, have assumed similar privileges, and in making provision for the bills in question, in some instances have considered them as depreciated currency. The committee are informed, that all the states who issued bills of this description, have already made provision for their redemption either at their nominal amount, or a certain ratio of depreciation, except the state of Rhode Island; and they think, it is fairly to be presumed, that the states have made as liberal a provision as the nature of the case demanded. The United States have once made allowances to the several states, in settlements of their accounts for the supplies for which those bills were issued; should they make any further provision, they must consider the several states as indebted to them for the amount of such provision.

"From an attentive consideration of all the circumstances

of this case, which the committee have endeavored fully to examine and present to the view of the House, they are of opinion, that it will not be expedient for Congress to make any provision for the payment of the said bills, or any interest thereon; they therefore recommend, that the petitioners respectfully have leave to withdraw their petitions."

The House of Representatives agreed to the report, and Ball and his fellow sufferers were obliged to submit to the fraud.

CHAPTER VIII.

Meeting of Congress—Speech of the President—Remarks—Impeachment of Blount—Gerry's Dispatches—Story of the female spy and her tubs of seditious papers—Acts passed by Congress.

On Monday the 3d of December, the third session of the fifth Congress commenced; but eight members being absent from the Senate of the number necessary to form a quorum, the President did not meet them until the 8th. A melancholy gloom was diffused over the countenances both of the Senators and the Representatives. They had assembled at the close of the greatest pestilence America had yet experienced, and there were few of them who had not to lament the loss of some particular friend or acquaintance. Even the President himself, whose feelings are not the most tender, seemed deeply affected, and for the first time, appeared to sympathise with the sufferings of the people. This temporary compassion might, however, have proceeded from a different cause. Amidst the flattering compliments of Timothy Pickering, Oliver Wolcott, and a train of federal courtiers, it was impossible Mr. Adams could disguise from himself, that he had incurred the contempt and hatred of every man of honesty and virtue in the United States. The dungeon in which the Vermont patriot was starving, must, in the solitary moments of silent reflection, have stared him in the face, and reminded him of the fate his crimes deserved. The just apprehension of a guilty conscience, heightened, perhaps, by the calamity

with which America had been afflicted, and not the praiseworthy compassion of a generous mind, was most probably the cause of that unusual diffidence and appearance of sorrow which he exhibited in delivering the following speech:

"*Gentlemen of the House of Representatives,*

"While with reverence and resignation we contemplate the dispensations of Divine Providence, in the alarming and destructive pestilence with which several of our cities and towns have been visited, there is cause for gratitude and mutual congratulations that the malady has disappeared, and that we are again permitted to assemble in safety, at the seat of government, for the discharge of our important duties—but when we reflect that this fatal disorder has, within a few years made repeated ravages in some of our principal seaports, and with increased malignancy; and when we consider the magnitude of the evils arising from the interruption of public and private business, whereby the national interests are deeply affected, I think it my duty to invite the legislature of the union to examine the expediency of establishing suitable regulations in aid of the health-laws of the respective states; for these being formed on the idea, that contagious sickness may be communicated through the channels of commerce, there seems to be a necessity that Congress, who alone can regulate trade, should frame a system, which, while it may tend to preserve the general health, may be compatible with the interests of commerce, and the safety of the revenue.

"While we think on this calamity, and sympathise with the immediate sufferers, we have abundant reason to present to the Supreme Being, our annual obligations of gratitude, for a liberal participation in the ordinary blessings of his providence: to the usual subjects of gratitude I cannot omit to add one of the first importance to our well being and safety—I mean the spirit which has arisen in our country against the menaces and aggressions of a foreign nation. A manly sense of national honour, dignity, and independence has appeared, which, if encouraged and invigorated by every branch of the government will enable us to view, undismayed, the enterprises of any foreign power, and become the sure foundation of national property and glory.

"The course of the transactions in relation to the United States and France, which have come to my knowledge during

your recess, will be made the subject of a future communication. That communication will confirm the ultimate failure of the measures which have been taken by the government of the United States, towards an amicable adjustment of differences with that power. You will, at the same time, perceive that the French government appears solicitous to impress the opinion, that it is averse to a rupture with this country, and that it has in a qualified manner, declared itself willing to receive a minister from the United States, for the purpose of restoring a good understanding. It is unfortunate for professions of this kind, that they should be expressed in terms which may countenance the inadmissible pretension of a right, to describe the qualifications which a minister from the United States should possess, and that while France is asserting the existence of a disposition on her part to conciliate with sincerity the differences which have arisen, the sincerity of a like disposition on the part of the United States, of which so many demonstrative proofs have been given, should even be indirectly questioned. It is also worthy of observation, that the decree of the Directory, alleged to be intended to restrain the depredations of French cruisers on our commerce, has not given, and cannot give any relief; it enjoins them to conform to all the laws of France, relative to cruising and prizes, while these laws are themselves the sources of the depredations of which we have so long, so justly, and so fruitlessly complained.

"The law of France, enacted in January last, which subjects to capture and condemnation neutral vessels and their cargoes, if any portion of the latter are of British fabric or produce, although the entire property belong to neutrals, instead of being rescinded, has lately received a confirmation by the failure of the proposition for its repeal. While this law, which is an unequivocal act of war on the commerce of the nation it attacks, continues in force, those nations can see in the French government only a power regardless of their essential rights, of their independence and sovereignty, and if they possess the means, they can reconcile nothing with their interest and honour but a firm resistance.

"Hitherto, therefore, nothing is discoverable in the conduct of France, which ought to change or release our measures of defence; on the contrary, to extend and invigorate them, is our true policy. We have no reason to regret that those measures have been thus far adopted and pursued, and

in proportion as we enlarge our view of the portentous and incalculable situation of Europe, we shall discover new and cogent motives for the full development of our energies and resources.

"But in demonstrating by our conduct, that we do not fear war, in the necessary protection of our rights and honour, we shall give no room to infer that we abandon the desire of peace. An efficient preparation for war can alone insure peace. It is peace that we have uniformly and perseveringly cultivated; and harmony between us and France may be restored at her option; but to send another minister, without more determinate assurances that he would be received, would be an act of humiliation to which the United States ought not to submit; it must therefore be left to France, if she is indeed desirous of accommodation, to take the requisite steps; the United States will readily observe the maxims by which they have hitherto been governed; they will respect the sacred rights of embassy; and with a sincere disposition on the part of France, to desist from hostility, to make reparation for the injuries heretofore inflicted on our commerce, and to do justice in future, there will be no obstacles to the restoration of a friendly intercourse. In making to you this declaration, I give a pledge to France and to the world, that the executive authority of this country still adheres to the humane and pacific policy which has invariably governed its proceedings, in conformity with the wishes of the other branches of the government and of the people of the United States. But considering the late manifestations of her policy towards foreign nations, I deem it a duty deliberately and solemnly to declare my opinion, that whether we negotiate with her or not, vigorous preparations for war will be alike indispensable. These alone will give us an equal treaty, and insure its observance.

"Among the measures of preparation which appear expedient, I take the liberty to recal your attention to the naval establishment. The beneficial effects of the small naval armament, provided under the acts of the last session, are known and acknowledged; perhaps no country ever experienced more sudden and remarkable advantages from any measure of policy than we have derived from the arming for our maritime protection and defence. We ought, without loss of time to lay the foundation for an increase of our navy, to a

size sufficient to guard our coasts and protect our trade. Such a naval force, as is doubtless in the power of the United States to create and maintain, would also afford to them the best means of general defence, by facilitating the safe transportation of troops and stores to every part of our extensive coasts. To accomplish this important object, a prudent foresight requires that systematical measures be adopted for procuring, at all times, the requisite timber and other supplies. In what manner this shall be done I leave to your consideration.

"I will now advert, gentlemen, to some matters of less moment, but proper to be communicated to the national legislature.

"After the Spanish garrisons had evacuated the posts which they occupied at the Natchez and the Walnut Hills, the Commissioner of the United States commenced his observations to ascertain the point near the Mississippi, which terminated the northern-most part of the thirty-first degree of north latitude. From thence he proceeded to run the boundary line betweeen the United States and Spain. He was afterwards joined by the Spanish Commissioner, when the work of the former was confirmed; and they proceeded together to the demarcation of the line. Recent information renders it probable, that the northern Indians, either instigated to oppose the demarcation, or jealous of the consequences of suffering white people to run a line over lands to which the Indian title had not been extinguished, have, ere this time, stopped the progress of the Commissioners—and considering the mischiefs which may result from continuing the demarcation in opposition to the will of the Indian tribes, the great expense attending it, and that the boundaries which the Commissioners have actually established, probably extend at least as far as the Indian title has been extinguished, it will perhaps, become expedient and necessary to suspend further proceedings, by recalling our commissioner.

"The commissioners appointed in pursuance of the fifth article of the treaty of Amity, Commerce, and Navigation between the United States and his Britannic Majesty, to determine what river was truly intended under the name of the river St. Croix, mentioned in the treaty of peace, and forming a part of the boundary therein described, have finally decided that question. On the 25th of October, they made their

declaration, that a river called Scoodiac, which falls into Passamaquoddy Bay, at its north-western quarter, was the true St. Croix intended in the treaty of peace, as far as its great fork, where one of its streams comes from the westward and the other from the northward, and that the latter stream is the continuation of the St. Croix to its source. This decision, it is understood, will preclude all contention among individual claimants, as it seems that the Scoodiac, and its northern branch, bound the grants of land which have been made by the respective adjoining governments. A subordinate question, however, it has been suggested, still remains to be determined. Between the mouth of the St. Croix, as now settled, and what is usually called the Bay of Fundy, lie a number of valuable islands. The commissioners have not continued the boundary line through any channel of these islands; and unless the Bay of Passamaquoddy be a part of the Bay of Fundy, this further adjustment of boundary will be necessary. But it is apprehended that this will not be a matter of any difficulty.

"Such progress has been made in the examination and decision of cases of capture and condemnation of American vessels, which were the subject of the seventh article of the treaty of Amity, Commerce, and Navigation between the United States and Great Britain, that it is supposed the commissioners will be able to bring their business to a conclusion in August of the ensuing year.

"The commissioners, acting under the 21st article of the treaty between the United States and Spain, have adjusted most of the claims of our citizens, for losses sustained in consequence of their vessels and cargoes having been taken by the subjects of his Catholic Majesty, during the war between France and Spain.

"Various circumstances have occurred to delay the execution of the law for augmenting the military establishment; among these the desire of obtaining the fullest information to direct the best selection of officers. As this object will now be speedily accomplished, it is expected that the raising and organizing of the troops will proceed without obstacle and with effect.

"*Gentlemen of the House of Representatives,*

"I have directed an estimate of the appropriations which

will be necessary for the service of the ensuing year to be laid before you, accompanied with a view of the public receipts and expenditures to a recent period. It will afford you satisfaction, to infer the great extent and solidity of the public resources, from the prosperous state of the finances, notwithstanding the unexampled embarrassments which have attended commerce. When you reflect on the conspicuous examples of patriotism and liberality which have been exhibited by our mercantile fellow-citizens, and how great a proportion of the public resources depends on their enterprise, you will naturally consider, whether their convenience cannot be promoted and reconciled with the security of the revenue, by a revision of the system, by which the collection is at present regulated.

"During your recess, measures have been steadily pursued for effecting the valuations and returns directed by the act of the last session, preliminary to the assessment and collection of a direct tax. No other delays or obstacles have been experienced, except such as were expected to arise from the great extent of our country, and the magnitude and novelty of the operation; and enough has been accomplished to assure a fulfilment of the views of the legislature.

"*Gentlemen of the Senate, and*
Gentlemen of the House of Representatives,

"I cannot close this address without once more adverting to our political situation, and inculcating the essential importance of uniting in the maintenance of our dearest interests; and I trust, that by the temper and wisdom of your proceedings, and by a harmony of measures, we shall secure to our country that weight and respect to which it is so justly entitled."

This speech of Mr. Adams forms the fourth specimen of the political oratory which graced the Presidential chair during the anglo-federal administration. Among the many forms and usages which America has borrowed from her mother country, that of a president's speech, at the beginning of every session, appears to be one of the most unfortunate, though one which has been cultivated with the greatest zeal.

A few lines of a complimentary address to the parliament of Britain, the studied composition of the minister of state,

but delivered by the king, has given rise to the annual habit of an hour's declamation from the President of America, however trivial the circumstances of his communication may be, or however unfitted our chief magistrate himself is for such a task. Although the speeches of our present President will ever form a conspicuous figure in the annals of rhetoric, it is not to be supposed his successors will all have the same strength of mind or power of language. The addresses of the venerable Washington are no longer remembered, and the lengthy orations delivered by Mr. Adams are now read with disgust; but the province of impartial history requires their insertion. A careful perusal of them will also repay the patient reader, who wishes to be acquainted with the designs of the late administration, as they show the character of Mr. Adams in a more conspicuous light than all his other productions.

The main topic of this last speech is our late difference with France. Mr. Adams says, "that the Directory questioned the sincerity of our administration towards peace." They certainly did so, and upon the best grounds. Our love for peace was never to be demonstrated by any evident partiality to the measures of Grenville and Pitt, and by virulence and contumely towards the republicans of France. A desire for peace surely was not to be displayed by appointing men for our envoys whose principles were known to be of a monarchical bias. It was not a demonstration of wisdom, or of our aversion to hostilities, to prevent one of those ministers from treating, with whom the Directory were ready to treat. The voidance of a treaty entered into with France, and the breaking off of all intercourse with her when she was assailed on every side by the armies of tyrants, were not the most manifest marks of our affection to her; yet the rhetoric of Mr. Adams passes over these circumstances, and discovers in the views of France, new and cogent motives for the full development of our energies and resources.

The House of Representatives were occupied their usual time in preparing an answer to the President.

On Friday, the 4th of December they took into consideration a proposition made by Mr. Harper, for printing 20,000 copies of the Alien and Sedition laws, which was agreed to.

On the 18th of December, the Senate formed itself into a court of impeachment for the purpose of trying William Blount for crimes and misdemeanours against the United States; but Mr. Blount having not appeared, they postponed the trial until Monday, the 24th of December, when Messrs. Dallas and Ingersoll, the counsel for Mr. Blount, put in their plea against the charge exhibited. Mr. Harper, in behalf of the managers, prayed for time to be allowed them for making their replication, and Thursday, the 3d of January, was fixed upon for that purpose.

On this day, the impeachment of Mr. Blount was resumed in the Senate. The court being formed, Mr. Bayard, who was chairman, presented a replication in behalf of the representatives, setting forth, that as the arguments stated by Blount's counsel respecting the House of Representatives not having power to prefer the articles of impeachment, and the Senate power to try them, were insufficient, their plea on that account ought not to be sustained, but that Mr. Blount should be compelled to answer to the articles of impeachment.

Mr. Ingersoll, counsel for the defendant, said that the managers had favoured him and Mr. Dallas with a copy of the replication, to which they had agreed to oppose a demur, which he presented, and the same was read.

Mr. Bayard entered into a lengthy examination of the plea put in by Mr. Blount's counsel; he said their first objection to the jurisdiction of the Senate over the crimes with which the defendant was charged, was the privilege of a jury. He objected to the necessity of a jury in impeachments more than in courts martial; that the House of Representatives had examined the evidences in this case, and had solemnly given inquest of the guilt of the accused, and exhibited articles of impeachment; but that the necessity of a jury, if proved, might be answered, as the Senate had power to issue process for bringing a jury from the district where the crime was committed—besides, in cases of impeachment, there might be two trials, and who ever heard of two juries pronouncing verdict on one accusation?

Again, he objected that a senator was not a civil officer in the United States, and therefore not constitutionally impeachable. He went into an elaborate examination of those parts of the constitution whereon the meaning was presumable by common law, and the same presumption must be taken with

respect to a senator's real situation. Who then on the presumption of common law was impeachable? Agreeable to the jurisdiction of the Houses of Lords and Commons, in England, it would be in the power of the Senate and Representatives to declare who should be impeached; they were competent to it. The situation of a senator was at times legislative, executive, and judicial. He referred to the sense of Congress in 1787, when the government of the S. W. Territory (now Tennessee) was established; then it was the opinion of that house, that the members of the legislature and Senate were civil officers; and it was not a little remarkable, that Mr. Blount voted in favour of that point which his counsel now disputed. He confessed he was aware that the counsel would oppose to this principle, that part of the constitution which they had not named in their plea, where it gave the President power to choose all civil officers. It would be said that a senator was not a civil officer, because not chosen by the President; but he said, the clause alluded to, had the words "under the government," which plainly implied that there were offices in the government—the Senate are the government. Against that he supposed it might be said that the constitution provided that no civil officer should be a member of either house, meaning no officer of the President's appointing; now, if that was not the meaning, he insisted the speaker could not be a member of the House of Representatives. He agreed that it was not the distinct parts, but the main and general meaning of the constitution, that the honourable council should be guided by in their decision of the point of jurisdiction before them. Regarding this, he particularly mentioned a part where it was said, that no person who had obtained a title from any foreign prince, should enjoy any office in the United States. If, therefore, a senator was not to be considered as an officer in the government, a dangerous principle might be introduced contrary to the real intention of the constitution, as they may enjoy titles; but this could not be supposed to be its meaning. Another objection to the jurisdiction mentioned in the plea was, that the defendant was not now a senator. He hinted at this argument, in order to show that any officer might evade a trial by resigning his situation as soon as a crime was committed.

It was also argued in the plea, that the crime charged was not during the execution of any trust, or for malconduct in office. To this Mr. Bayard only replied that a judge, heading

an insurrection, did not commit the crime in office; but this could be no excuse from punishment. As to the last plea of the competency of common law jurisdiction, he opposed the principle.

The President then told the counsel that they might reply; but Mr. Ingersoll requested, as the hour of adjournment was arrived, and as the counsel wished to prepare an answer to the observations of Mr. Bayard, that it might be postponed until Friday.

This day having met, Mr. Dallas delivered a very long, argumentative, and ingenious speech, in defence of the plea which had been filed in behalf of the defendant, and in answer to the speech of Mr. Bayard. Mr. Dallas commenced his speech at half past eleven, and did not close it till past three.

On Saturday, Mr. Ingersoll finished the defence in support of the plea, against the jurisdiction of the court; after which Mr. Harper made a reply, in support of the jurisdiction of the Senate. The court then adjourned until Monday, when the question was determined by fourteen votes to eleven against the jurisdiction—so that the impeachment fell to the ground.

Although it is to be regretted that such a conspirator as Blount should have escaped the punishment due to his crimes, yet the decision was certainly favourable to the rights of the people; for if once the right of impeaching members of Congress had been established, it would have proved a powerful engine of tyranny. The names of those members who voted for this dreadful prerogative, ought therefore to be marked as inimical to the liberty of this country. These were, Chipman, Davenport, Goodhue, Latimer, Livermore, Lloyd, Paine, Ross, Sedgwick, Stockton, and Tracey.

On the 18th of January, the President communicated to Congress several papers relative to the affairs of the United States with the French republic, consisting of a letter from Mr. Pickering to Mr. Gerry, dated 25th June, 1798, a letter from Mr. Gerry to Mr. Pickering, dated 1st October, 1798, after his arrival in this country, and the correspondence which took place in Paris between Mr. Gerry, and the minister for foreign affairs, M. Talleyrand.

Mr. Pickering censures Mr. Gerry in rather severe and unjustifiable terms, for not having taken his departure from France along with Generals Pinckney and Marshall. "The

respect," says he, "due to yourselves, and to your country, irresistibly required that you should turn your backs to a government that treated both with contempt; a contempt not diminished but aggravated by the flattering but insidious distinction in your favour, in disparagement of men of so respectable talents, untainted honour, and pure patriotism, as Generals Pinckney and Marshall, and in whom their government and their country reposed entire confidence; and especially when the real object of that distinction was to enable the French government, trampling on the authority and dignity of our own, to designate an envoy with whom they would condescend to negotiate. It is therefore to be regretted that you did not concur with your colleagues in demanding passports to quit the territories of the French Republic some time before they left Paris." Mr. Pickering also adds, that "the President will never send another minister to France without assurances that he will be received, respected, and honoured as the representative of a great, free, powerful, and independent nation."

Mr. Gerry, in answer to the secretary of state, justifies his conduct upon the following grounds:—

"In consequence of his letter, (the minister of foreign affairs) to the envoys, of the 18th of March, he renewed his proposition to me to treat separately; and again received a negative answer. He then proposed that I should remain at Paris, until the sense of the government could be obtained; declaring, as before, that an immediate rupture would be the consequence of my departure. To have left France under such circumstances was a measure which I could not justify. The power of declaring war was not entrusted with the supreme executive of the United States, much less with a minister; and to have thus provoked it, would, in my mind, have been tantamount to a declaration thereof. Indeed, to have plunged the nation into a war suddenly, even if it was inevitable, appeared to me in other respects unwarrantable. Congress, who alone had a right to adopt this measure, might, by such a premature step, have been defeated in their previous arrangements, and subjected to other manifest inconveniences, and the executive might have been placed on grounds less advantageous for forming alliances, &c., whereas, my detention at Paris gained time, if this was requisite, and could not pro-

crastinate a declaration of war, if the United States were prepared for it. Other considerations had their weight.

"France, at that time, was making very formidable preparations, with a professed design to overthrow the British government; and such were the exertions and enthusiasm of her citizens, armies, and administration, as to spread a general alarm throughout Great Britain. It was evident, then, to common observation, that should France succeed, she would acquire by the powerful navy and resources of Britain, such strength as to be able to give law to Europe, and to regions more remote; and it was rational to suppose that a coalition would be formed of such European powers as were not in the interest or under the influence of France, to put an end to the war, by offering their mediation, and declaring their intention to oppose the power which should refuse it—the temporising negotiations at Rastadt had this aspect; moreover, the internal affairs of France were in an agitated state, and threatened civil commotions. If then, on the one hand, a new coalition against France, a change in her government, or even a successful resistance on the part of Great Britain had happened, a favourable opportunity would have presented itself to the United States for obtaining of her a just and advantageous treaty; and this would have been lost by a previous rupture in consequence of my departure. If, on the other hand, Great Britain, unaided, had fallen, the United States would have been in a much better condition at peace than at war with the most formidable power the world had exhibited. In such an event they could have but small hopes of resisting France, and it might have been deemed madness in them even to have attempted it. For these reasons I thought it my indispensable duty to remain a short time at Paris."

Mr. Gerry, in this letter, informs the secretary of state, that when he left Paris, from the best information he could obtain, the Executive Directory were very desirous of a reconciliation between the two countries. "Every impediment," he says, "was adopted by the French minister to prevent my departure."

The displeasure of the French at Mr. Gerry's departure, evidently appears from the correspondence that took place between Mr. Talleyrand and Mr. Gerry.

The first of Talleyrand's letters to Mr. Gerry, after the

departure of the other envoys, is couched in the most friendly and pacific terms; it is dated the 3d of April, 1798.

"*To Mr. Gerry, Envoy Extraordinary of the United States of America, to the French Republic.*

"I suppose, sir, that Messrs. Pinckney and Marshall have thought it useful and proper, in consequence of the intimations, which the end of my note of the 18th of March, 1798, presents, and the obstacles which their known opinions have induced to the desired reconciliation, to quit the territories of the Republic. In this supposition, I have the honour to point out to you the 5th or the 7th of this decade, to resume our reciprocal communications upon the interests of the French Republic and the United States of America.

"Receive, I pray you, the assurance of my perfect consideration.

"CH. MAU. TALLEYRAND."

From the following letters of Talleyrand, it would also seem that he was entirely unacquainted with the mysterious interviews that took place between our envoys and the gentlemen whom they were pleased to designate by W. X. Y. Z.

"*May* 30, 1799.

"To MR. GERRY,—I communicate to you, sir, a London Gazette of the 15th of May last; you will there find a very strange publication. I cannot observe, without surprise, that intriguers have profited of the insulated condition in which the envoys of the United States had kept themselves, to make proposals and to hold conversations, the object of which was evidently to deceive you.

"I pray you to make known to me immediately the names denoted by the initials W. X. Y. and Z., and that of the woman who is described as having had conversations with Mr. Pinckney upon the interests of America; if you are averse to sending them to me in writing, be pleased to communicate them confidentially to the bearer.

"I must rely upon your eagerness to enable the government to fathom those practices, of which I felicitate you on not having been the dupe, and which you must wish to see cleared up."

"*June* 1, 1798.

"To MR. GERRY,—I have received, sir, your letter of

yesterday. You inform me, 1st. That the Gazette presented, contains all the informal negotiations communicated by the envoys to their government. 2d. That the persons referred to have not produced to your knowledge any authority, any document of any kind whatever to accredit themselves. 3d. That three of the individuals mentioned, (that is to say, in the order in which I have placed them) W. X. Y. are foreigners; and the fourth, (that is to say) Z. acted only as messenger and interpreter.

"Although I perceive your repugnance to naming those individuals, I must earnestly request you to yield it to the importance of the object. Be pleased, therefore, 1st. Either to give me their names in writing, or communicate them confidentially to the bearer. 2d. To name the woman whom Mr. Pinckney mentions. 3d. To tell me whether any of the citizens attached to my service and authorized by me to see the envoys, told them a word which had relation to the disgusting proposition which was made by X. and Y. to give any sum, whatever, for corrupt distribution.

June 4, 1798.

"To Mr. Gerry,—Your letter of yesterday, Sir, has just been handed to me. You may render to me, in perfect confidence, the names you mention to me under your hand and seal—I assure you, that they shall not be published as coming from you."

Mr. Gerry's Answer.

"The names of the persons designed in the communications of the envoys extraordinary of the United States, to their government, (published in the Commercial Advertiser of the 11th of April, last,) are as follows:

"X. is M——. Y. is Mr. Bellamy. Z. is Mr. Houtval."

Mr. Gerry has inserted the proper name of X. in this document, as given to Mr. Talleyrand. But the person designated by X. not having (like Y.) avowed himself, the promise made by the envoys to him and Y. "that their names should, in no event, be made public," is still obligatory on the executive, in respect to X. and therefore his name has never been made known.

No political negotiation ever engaged or perplexed public curiosity, more than this still mysterious correspondence of X. Y. and Z. Whether the roguery of the business is to be

placed with the Directory, with Talleyrand, with the American envoys, or with the concealed persons, is a point upon which no satisfactory proofs can yet be obtained. To form any probable opinion respecting it, we must, as in every other intricate transaction, examine the characters and views of the parties concerned, and by comparing them together endeavour to discover upon which side the villany lies.

No three persons could have been sent by Mr. Adams, less acceptable to the Directory of France, than Pinckney, Marshall, and Gerry. Pinckney, it is well known, was refused before, and had, on that account, in his letters to Pickering, which were published, and which the French must have seen, represented that people in the worst point of view. Sending such a character to Paris in order to negotiate a peace, was nearly an equal insult as if Mr. Pitt had sent to America the traitor Arnold in order to represent the court of Britain. John Marshall was an improper character in several respects; his principles of aristocracy were well known. Talleyrand, when in America, knew that this man was regarded as a royalist, and not as a republican, and that he was abhorred by most honest characters. Mr. Gerry was the least exceptionable of the three; but Gerry was never by nature intended for a diplomatic character, no more than Mr. Adams; they were both natives of that soil "in which no salutary plant takes root." In short, if Mr. Adams had wished to declare war against France, he could not have adopted a more explicit mode of making known his sentiments, than by sending this triumvirate to treat for a peace. The French, notwithstanding, appeared to manifest every desire to negotiate; the Directory, it is true, did not admit the envoys to an audience; but the Minister for Foreign Affairs was empowered to treat with them, and every effort was used on his part to effect a negotiation—but they neither would condescend to wait upon him together, or separately; their time was otherwise occupied, either in chatting with X. Y. and Z. or in composing elaborate epistles to Mr. Pickering, complaining of the insolence of Mr. Talleyrand and the roguery of the Directory.

Two of them, Pinckney and Marshall, at length departed, but not in the most honourable manner. An unhappy female of a respectable family in Paris, lost her reputation in their company; her parents, to screen themselves from the odium of intriguing with the ambassadors of a foreign country, turned

her out of doors. She applied to Pinckney for leave to accompany him to America, which, it is said, he granted, and fixed a day for their departure, but went off without either giving her notice, or a compensation for the loss of her virtue. The helpless lady was obliged to solicit the charity of Mr. Gerry, who also promised, she said, to conduct her to America, but afterwards left her as Mr. Pinckney. When all the embassy were fled, she applied to the captain of an American vessel, who, on the faith of her story, gave her a passage to Charleston; but she had no sooner arrived, than she was apprehended as a female spy. A few tender and affectionate cards, which had been addressed to her by her lovers, and which she carried along with her as passports, were twisted into bills of treason; two or three small trunks containing wearing apparel, which constituted all her property, were, with the same facility, framed into tubs of seditious papers, for the purpose of distribution among the slaves of the southern states. What afterwards became of the unfortunate lady, we know not; whether Pinckney and Marshall recognized her, or whether she was drove to the hard necessity of working for her own support and that of a helpless infant, the only known benefit procured to the United States from the embassy of Pinckney, Marshall, and Gerry.

To return from this digression, let us observe the conduct of Mr. Gerry. This gentleman often insinuates and sometimes even asserts, that Talleyrand told him he might rely on any information given by Mr. Y.; but from the correspondence between him and Talleyrand respecting their names, it evidently appears that the latter was totally ignorant of any offers ever made by him. As Mr. Gerry has never attempted to contradict Talleyrand in this matter, but seems to acquiesce in it, we must infer that the whole story of £50,000 sterling, as a douceur, and 16,000,000 of Dutch rescriptions by way of loan, was either a fabrication of X. Y. and Z., or of our own envoys, or perhaps of both. If there was any reality in the said bribe, it proceeded from a very different quarter than either Talleyrand or the Directory—X. and Y. were most probably agents for the privateers-men, and the £50,000 was intended for their pockets, and not for that of the French minister. Some words dropped by Mr. X., and related by the envoys in their despatches, appear to confirm this supposition. "He said that all the members of the Directory were

not disposed to receive our money; that Merlin, for instance, was paid from another quarter, and would touch no part of the douceur which was to come from us." We replied, "that we had understood that Merlin was paid by the owners of privateers; and he nodded an assent to the fact." A late publication published in Paris, in vindication of the conduct of Talleyrand, even insinuates that Pinckney was leagued with the privateer merchants; and that most of the privateers fitted out in the French ports were the property of Americans. We trust that neither Mr. Pinckney nor any of our consuls were engaged in such a nefarious trade, although it must be allowed, there were several citizens of the United States who enriched themselves upon the spoils of their countrymen. The same publication affirms, that X. and Y. were the proprietors of several privateers at Bourdeaux and Dunkirk. If this be true, it is not surprising that they should have exerted every scheme to prevent a reconciliation. At all events, our envoys deserve the greatest censure for having been duped by such swindlers.

The following were the Acts passed this Session of Congress:

1. An act for the punishment of certain crimes therein specified.

2. An act respecting balances reported against certain states, by the commissioners appointed to settle the accounts between the United States and the several states.

3. An act to alter the stamp duties imposed upon foreign bills of exchange and bills of lading, by an act, entitled "An act laying duties upon stamped vellum, parchment, and paper," and further to amend the same.

4. An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof.

5. An act for the relief of Jonathan Haskill.

6. An act to authorize the reimbursements of moneys expended in rendering aid to sick and destitute American seamen in foreign countries.

7. An act for the relief of Gazzan, Taylor, and Jones, and of Samuel Watt, of the city of Philadelphia.

8. An act appropriating a certain sum of money to defray the expense of holding a treaty or treaties with the Indians.

9. An act for the augmentation of the navy.

10. An act authorizing the establishment of docks.

11. An act authorizing the purchase of timber for naval purposes.

12. An act respecting quarantine and health laws.

13. An act fixing the pay of the captains and commanders of ships and vessels of war of the United States.

14. An act to amend the act, entitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States."

15. An act providing compensation for the marshals, clerks, attorneys, jurors and witnesses in the courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes.

16. An act for the relief of Thomas Lewis.

17. An act to amend an act, entitled "An act giving effect to the laws of the United States within the district of Tennessee."

18. An act making appropriations for defraying the expenses which may arise in carrying into effect certain treaties between the United States and several tribes or nations of Indians.

19. An act allowing James Mathers compensation for services done for the United States, and expenses incurred in rendering said services, as sergeant-at-arms to the Senate.

20. An act altering the time of holding the District Court in Vermont.

21. An act concerning French citizens that have been or may be captured, and brought into the United States.

22. An act giving eventual authority to the President of the United States to augment the army.

23. An act to provide for the security of bail in certain cases.

24. An act to augment the salaries of the officers therein mentioned.

25. An act to regulate the medical establishment.

26. An act to grant an additional compensation for the year 1799, to certain officers of the Senate and House of Representatives of the United States.

27. An act for the government of the navy of the United States.

28. An act to establish the compensations of the officers

employed in the collection of the duties on imposts and tonnage, and for other purposes.

29. An act authorizing the augmentation of the marine corps.

30. An act to erect a beacon on Boon Island.

31. An act to regulate and fix the compensation of clerks.

32. An act to establish the Post-Office of the United States.

33. An act to amend the act, entitled "An act regulating the grant of lands appropriated for military services, and for the society of the United Brethren for propagating the gospel among the heathens."

34. An act making appropriations for the support of government for the year one thousand seven hundred and ninety-nine.

35. An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

36. An act in addition to an act for the more general promulgation of the laws.

37. An act authorizing the President of the United States to fill certain vacancies in the army and navy.

38. An act making additional appropriations for the year 1799.

39. An act vesting the power of retaliation in the President in certain cases.

40. An act respecting the distillers of Geneva.

41. An act for the relief and support of American seamen.

42. An act to alter and discontinue certain post-roads, and to establish others.

43. An act for the better organizing of the troops of the United States.

44. An act authorizing the sale of lands between the great and little rivers Miami, in the United States Territory, N. W. of the river Ohio, and for giving pre-emption to certain persons.

45. An act for the relief of Comfort Sands, and others.

46. An act to establish the salary of the deputy post-master general.

47. An act to regulate the collection of duties on imposts and tonnage.

48. An act for the support of the naval establishment for the year 1799.

49. An act for the support of the military establishment for the year 1799.

50. An act in addition to the act for the relief and protection of American seamen, and further to amend the same.

CHAPTER IX.

Dr. Logan—Capture of L'Insurgente—Murder of Neale Harvey—Trial of Dr. Reynolds, Duane, and others—Attack upon the Aurora Office—Case of Ebenezer Giles.

In summer, 1798, soon after the publication of our envoy's despatches, a transaction occurred, that unveiled the designs and wishes of the conspirators for a French war. Dr. George Logan, a native of Pennsylvania, and a citizen of independent fortune, set out from Philadelphia on a voyage to Europe.

Having landed at Hamburgh, he met with General La Fayette, who procured him the means of pursuing his journey to Paris, where he arrived on the 7th of August, 1798. Upon inquiry of the consul-general of the United States, he was informed our commissioners had left that city, without having accomplished the object of their mission, and that all negotiation was at an end. Further, that an embargo had been laid on all American shipping in the ports of France, and that many of our seamen were confined as prisoners.

Dr. Logan, justly supposing that there was no law, moral or political, which could prevent him from benefiting his country, availed himself of every legal means to procure an interview with influential characters. Through the politeness of a foreigner of distinguished talents, whose name is not mentioned, Dr. Logan was introduced to citizen Merlin. This Director, and man of science, Dr. Logan frequently visited afterwards on the footing of a private friend. On one of these occasions Merlin informed him, that France had not the least intention to interfere in the public affairs of the United States; that his country had acquired great reputation in having assisted America to become a free republic, and that they never would disgrace their own revolution by attempting the de-

struction of the United States. He observed, that with respect to the violation of our flag, it was common with all neutrals, and was provoked by the example of England, and intended to place France on an equal ground with her, so long as she should be permitted, by the neutral powers, to avail herself of their resources. But that the government of France, averse to such a competition, were contemplating measures to make their laws more favourable towards neutral nations. In confirmation of this declaration, Dr. Logan received, whilst at Bordeaux, a letter from the Consul-General of the United States, dated Paris, August 30th, in which the Consul informed him that the report of France adopting a more liberal system in regard to the flag and property of neutrals, was gaining ground every hour.

Dr. Logan, believing that this manifestation of friendship on the part of the republic of France, would be highly acceptable to his country, he offered his services to Mr. Skipwith, the Consul-General, to be the bearer of his despatches to the President of the United states. A duplicate of the same despatches had been forwarded by some other channel. When Dr. Logan, therefore, after his arrival, presented them to Mr. Pickering, in place of being cordially received or thanked for his trouble, he was simply informed that they were of no importance, as their contents had been already received. Insinuations of treason were thrown out against him, and agreeable to the federal custom, Mrs. Logan was also reviled, a lady, in whose character, the utmost diligence of malice has not been able, more than in that of her husband, to discover a single stain.

To these slanderous accusations, Dr. Logan can oppose the blessings of hundreds of his countrymen, whom he has saved from the risk of ruin. At Bourdeaux he received, upon September 8th, 1798, an address subscribed by fourteen masters of ships, and other persons, whose property he had preserved from confiscation. He also procured freedom for a considerable number of seamen. For these services, at the sitting down of Congress, in December, 1798, the whole federal faction broke loose upon him. Thatcher, Harper, and Otis attacked him with all their fury. As a vindication of his character, he published the following letter, dated Bourdeaux, September 8th, 1798:

"SIR,—A habit of trade, of many years standing, with the United States of America, has, in the late difficulties between the two countries, enabled us to feel how much we are indebted to your laudable endeavours to prevent this country from acting hostilely, after the late occurrences in America; and how much we are beholden to you in particular, for the convincing proof of the good intentions of this government, in taking off the embargo they had laid on all American vessels. Pray excuse this abrupt manner of delivering our sentiments; but as acting for our friends in America, we find ourselves more particularly obliged—we feel ourselves gratified in thus assuring you of our esteem; we wish you a successful passage over to America, and remain, Sir, your cordial friends,

"SKINNER, FENWICK & BROWN.

"To DR. LOGAN, of Philadelphia."

In the beginning of this year (1799), hostilities were openly commenced between the Republic of France and the United States. The first engagement of any importance between the two powers, was fought on the 9th of February, by L'Insurgente of 40 guns, Captain Bureaut, and the Constellation of 38 guns, Commodore Truxtun. Victory proved favourable to us, and L'Insurgente was captured; but the glory of the day was clouded by an unfortunate accident, the death of one of the seamen on board of Truxtun's vessel, occasioned by a stab, received from the third Lieutenant of the Constellation. Neale Harvey, was the name of this unfortunate young man, and Andrew Sterret, that of the officer. Whether Harvey actually deserted his station during the action, is a matter not ascertained. But humanity must incline us to believe that Sterret thought so, before he plunged a sword into the bowels of a fellow-citizen. The affair, however, might have been buried in oblivion, had not Sterret's imprudence urged him to publish it to the world, in a letter to his father. "One fellow (says Sterret) I was obliged to run through the body, and so put an end to a coward. You must not think this strange, for we would put a man to death for even looking pale on board this ship." On this occasion we must certainly blame both the silence of Truxtun and that of our administration. The duty which they owed to their country, ought certainly to have compelled a public investigation of

the affair, which, it is to be hoped, would have turned out, notwithstanding its untoward aspect, to Sterret's honour; and removed from the character of that brave officer a stain which will ever blot the most praiseworthy action he can perform. But Mr. Adams received the intelligence with equal indifference as Truxton beheld it; and without any investigation which we know of, promoted Mr. Sterret with the other officers.

The day of Truxtun's victory, which was on Sunday, is remarkable on another account. A motion was to have been made in Congress the Monday following, for a repeal of the Alien law of 1798.—In order to promote this repeal, Dr. Reynolds, Mr. Duane, and several other gentlemen of Philadelphia, went to St. Mary's Church, and placed upon the doors, petitions to Congress for that purpose, with the intention of receiving the signatures of those of the congregation who were aliens. No proceeding could have been more harmless, and unexceptionable than this; but the appellation of *alien* was synonymous with Jacobin in the understanding of the tory Christians. The alarm of sedition and treason was sounded in the church; the pious priest dropped the bible, and out rushed the federal mob. A desperado, of the name of Gallagher, at the head of several ruffians, attacked Reynolds, knocked him down, then kicked him, and maltreated his friends in the same manner. The petitions were torn from the door, and a flaming report of the suppression of the alien riot, as it was called, appeared in the federal papers next morning.

The federalists, not satisfied with their victory, were determined, if possible, to accomplish the ruin of Reynolds and his companions. They therefore accused the former, of an intention to murder Gallagher, and the latter of a riot and assault at St. Mary's Church. Their trial was brought forward the 22d of the same month, and, most probably, had it not been for several republicans who fortunately were upon the jury, they would all have been found guilty, and received the punishment which a partial court might award; but the sound judgment of a few prevailed over the bigoted prejudice of the many, and a verdict of acquittal was in consequence given.

Enraged at this verdict, the enemies of liberty and order resolved no longer to be trifled with by the forms of law, and the

caprice of a jury. A band of upwards of thirty took the oath of vengeance. The names of the leaders of this conspiracy were, John Dunlap, J. B. M'Kean, Peter Miercken, George Willing, Joshua B. Bond, Owen Foulke, Jonathan Robeson, Edward Shoemaker, John Singer, William Lewis, and James Simmons. On the 15th of May, they entered the office of the Aurora; one party with pistols in their hands, acted as sentinels upon the compositors and pressmen, while another party kept at bay several strangers who were in the office. Peter Miercken, with several of his followers, then attacked Mr. Duane, the object of their malice. The former knocked him down, while the latter ruffians held his hands. Bleeding and senseless, they dragged him down stairs into Franklin court, and there satiated their vengeance by repeating their blows upon Mr. Duane, and his affectionate son, a boy of sixteen, who threw himself across the body of his father, to screen him from the blood-thirsty barbarians.

They would have proceeded to have demolished the whole building, had not the republicans, by this time, received notice of the savage scene, and proceeded to the relief of their patriot.

Notwithstanding this most unprovoked and unwarrantable assault, Mr. Duane found it impracticable, during the administration of Mr. Adams, to obtain the smallest redress for the injuries which his person and property had sustained; it was not until the month of April last, two years afterwards, that their trial could be brought forward. The only compensation he then received, did not exceed two hundred dollars.

Among the various insults which the American flag had suffered during this and the preceding year, from the cruisers of his Britannic majesty, the treatment of Ebenezer Giles, commander of the schooner Betsey, of Beverley, in Massachusetts, merits particular attention, both on account of the singular barbarity which disgraced the British on that occasion, and the tame conduct of the President, and Mr. Pickering, when they heard of the outrage which the honour of their country had sustained. The protest of Captain Giles and his crew, give the fullest account, and are the best proofs of this unprovoked attack from a British ship of war.

"*Commonwealth of Massachusetts*,

"By this public instrument, be it made known and manifest,

that on the 21st of May, 1799, before me, Joseph Ward, Esq., Notary Public, by legal authority admitted and sworn, and practising in Beverly, in said county of Essex, personally came and appeared, Ebenezer Giles, commander of the schooner Betsey, of said Beverly, and James Wilson, mate, and Allen Stickland and Joseph Patch, seamen, belonging to the said schooner, who after being severally sworn to declare the truth, declared on oath, that they were, on the twenty-seventh day of April, 1799, at the Island of St. Vincent, at a place called La You Bay, on board said schooner, there waiting for his British Majesty's ship of war, called the Daphne, to pass by, who was previously engaged to convoy a fleet of merchantmen from that island to St. Christopher's; and on Saturday, the 27th day of April aforesaid, about twelve o'clock at noon, the convoy hove in sight, and about three o'clock P. M., we came to sail, and stood out of the bay; and about twenty minutes past three, P. M., the ship Daphne stood athwart our stern, and hailed us, and requested to know if we had instructions from their ship, which we answered in the affirmative. They ordered the Betsey to bring to; we then being by the wind close hauled, hove the main-topsail to the mast, and put the helm a-lee; the Daphne still continued her course close by the land; the schooner Betsey lay to until about half the fleet convoyed had passed by them, then made sail and stood on with the fleet; at about 4 o'clock, P. M. observed the Daphne's boat coming towards us; they called to us to heave the main-topsail to the mast, which was immediately done, and the boat came under our lee-stem, or forward our main chains; we hove a rope to the boat, which they caught in midship of her, which boat lay stem on the schooner, and neglecting to pass the rope into the bows to catch a turn to wind her, as Captain Giles wished him to do in a polite and respectful manner, and after a short time, they slipped their hold and dropped astern. We then hove the fore-topsail to the mast, dropped the fore and main peaks, and let fly the jib sheets, to wait for the boat to come up with us, which she did in four or five minutes; as she came alongside, Captain Giles said to the officer on board the boat, "my friend, I was very sorry to have seen you drop a-stern." He answered, "you damned rascal, do not call me your friend." The captain of the Betsey then told him, that he hoped he

should not find him to be his enemy, and particularly the ship Daphne. The officer then placed one of his men from the boat on board the schooner to the helm, and ordered all our sails set, which was immediately done, and stood for the Daphne, and still continuing to treat the captain of the Betsey with insulting and abusive language, and demanded of said Giles his instructions which were received from the Daphne, which were delivered up to him. As we came a-breast of the ship, the officer returned on board the ship, taking the said instructions with him. After a few minutes, some person on board of the ship informed us that they should send their boats on board of us again. The boat soon came alongside of us, and commanded captain Giles on board of the ship immediately. He instantly complied, and went with the officer on board of the ship. Immediately after he arrived on board, the said James Wilson, Allen Stickland, and Joseph Patch, on their oath, testify and swear, that they saw two men on board of the said ship violently beating Captain Giles, one of them with a large piece of rope, and the other with his fist, and continued to do so for the space of more than thirty minutes, to the best of their judgment, and sometimes by the violence of the blows received, he was struck down; and they soon after sent Captain Giles on board of the Betsey, who, when he came alongside, was not able to stand or walk, by reason of the barbarous treatment he had received on board the said ship. And they further testify, and say that they took Captain Giles on board his schooner in the cabin, and took off his jacket, (as he was not able to take it off himself) and found it much stripped and torn by force of the blows of the rope's end; also with great surprise saw blood issuing from his mouth and nose, occasioned by the force of the blows of the fist, or the falls on the said ship's deck (to them uncertain which) whilst he was on board; and on further examination found his back and arms unmercifully bruised, and turned black with large wales on the same, occasioned by the cruel and most unnatural treatment he received on board the said ship; and further say, that Captain Giles was not able, for the term of four days at least, to come on deck, or do his duty; neither has he fully recovered his health, as before enjoyed, to this day.

"In further confirmation of the above written, we have

hereunto set our names, after being first sworn to the truth of the foregoing protest.

EBENEZER GILES, *Master.*
JAMES WILSON, *Mate.*
JOSEPH PATCH.
ALLEN STICKLAND.

"And the aforesaid affidavit, Ebenezer Giles, at the above said time and place, in addition to the foregoing, by himself further testifieth on oath, and doth declare, that he received his instructions from the ship Daphne on the 25th day of April, 1799; and informed the commander of the ship, that his schooner lay at a place called La You Bay, about two leagues to leeward of the port of Kingston, at which place the Daphne lay; and that on the 27th day of the same month, he joined the fleet as before expressed; and was commanded to go on board the ship as aforesaid, and when he came alongside of the said ship, and was passing over the side, the deponent on oath declares, that the captain of the said ship called to him, and told him he would let him know what it was to pay a disrespect to a man-of-war, and immediately called for a boatswain's mate. That he then asked the captain what he designed by his disrespect; the answer was, "you damn'd rascal, not a word." He asked the captain if he was not allowed to speak in his own behalf, which was answered, "what, by you a damned rascal!" and much more abusive language; and ordered the boatswain's mate to take a rope's end to the damned rascal; who, very readily, began to beat him, the said deponent, with a rope of two and a quarter inches, (and the captain followed the same with blows of his fist) until the rope was fagged out eight or nine inches in length; then one other boatswain's mate was called by the captain, who immediately appeared, and the captain of the ship ordered him to find a rope that was pointed, and to lay it on well to the damned rascal, and then he began to beat the deponent accordingly, agreeable to the instructions from his inhuman commander. The deponent begged of the captain not to murder him in that manner, in God's name; the return was a blow with the captain's fist, which brought the deponent down. The boatswain still continued to strike the deponent until he received about forty-seven stripes, and then he quitted the deponent, and the captain of the ship ordered the officer who brought

him on board, saying, "Mr. Mettinay, put this damned rascal on board of his vessel, and return with the boat immediately." In further confirmation of the truth of the foregoing protest, I do hereunto set my hand.

"EBENEZER GILES, *Master.*

"The deponents do, therefore, protest, and I the said notary public, at their instance and request, do by these presents, solemnly protest against the captain of the said ship Daphne, and the British government for the aforesaid cruel and barbarous treatment, and for all losses, costs, suits, expenses and damages that have arisen, or may rise thereon.

"In testimony whereof, I, the said notary, have hereunto set my hand, and affixed my notarial seal, this twenty-first day of May, 1799.

"JOSEPH WARD, N. P."

Several letters passed between the secretary of state and Captain Giles, respecting this business, but without any satisfaction to the latter; for no proper explanation was ever demanded from the English government for the conduct of the commander of the British frigate.

CHAPTER X.

Trial of John Fries, for High Treason.

JOHN FRIES of the county of Northampton, in Pennsylvania, was, on the 1st of May, 1799, indicted in the Circuit Court, held at Philadelphia, for levying war against the United States, by opposing the assessors for the direct tax.

Judge Iredell delivered his charge to the grand jury on the 11th of April. Of all the charges which had hitherto been given by the federal judges, this charge of Judge Iredell appeared to be the greatest insult offered to the feelings of a free people. Liberty he compared to the religion of Mohammed, which was propagated by the sword: nations, who became free, he said, were placed under French guardianship—French arsenals were the repository of their arms; French treasuries

of their money; and the city of Paris of their curiosities. After this display of metaphysicial jargon, he proceeded to an investigation of the alien and sedition bills, which he attempted to vindicate, and to prove their consistency with the constitution of the United States. He then entered upon a laboured disquisition of treason; gave quotations from Judge Hale and Blackstone, and concluded by praying that God might preserve all lovers of subordination from being trampled under the feet of Jacobins.

On Wednesday the 1st of May, the prisoner, John Fries, was brought to the bar. Upon the indictment being read, charging him with having unlawfully, maliciously, and traitorously compassed and levied war, insurrection, and rebellion, against the United States, he pleaded not guilty. The several particulars of these charges are narrated in the following address of Mr. Sitgreaves, who opened the trial, on the part of the government.

"*Gentlemen of the Jury,*

"By the indictment which has been just read to you, you perceive that John Fries, the prisoner at the bar, has put himself on trial before you on an accusation of having committed the greatest offence which can be perpetrated in this or any other country; and it will devolve on you to determine, according to the evidence which will be produced to you, on the important question of life or death. It is the duty of those that prosecute, to open to you, as clear as they are able, those principles of law which apply to the offender; and then to state to you the testimony with which the accusation is supported. This duty has devolved upon me, and I hope, while I regard my duty as accuser, I shall do it in such a way as shall do no injustice to the prisoner. However, if I should be incorrect, there are sufficient opportunities for me to be corrected, by the vigilance which the counsel engaged on behalf of the prisoner will use, and the order which the court will observe. These are sufficient to correct any mis-statements, but I will use my utmost endeavours to be guilty of none.

"The prisoner is indicted of the crime of treason. Treason is defined in the constitution of the United States, Section 3, Art. 3, in the words following: 'Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.'

"This crime appears to be limited to two descriptions: the

one, levying war against the United States States, and the other, adhering to its enemies. With respect to the latter branch of the description, there will be no occasion for any explanation, or to call your attention in the least to it, because it is not charged upon the prisoner; he is charged with having committed treason in levying war.

"This expression, phraseology, or description, as adopted by our constitution, is borrowed from a statute of Great Britain, passed in the reign of Edward III., which has, ever since it passed, commanded the veneration and respect of that nation, almost equal with their great charter; it is considered as a great security to their liberties. Indeed, the uniform and unanimous consent given to this statute, through a great lapse of time, by the most able writers on law, its never having undergone the least alteration amidst the most severe scrutinies, and its adoption into the constitution of the United States, without the least amendment, are sufficient encomiums to prove its worth. I shall state to you, as far as it is necessary to the present application of that statute, the most able and judicious expositions, but without recurring to a variety of authorities which might be quoted.

"The crime of treason, as it has been laid down by those writers generally allowed to be the most able on law, whose accuracy is unquestionable, is the highest crime that can possibly be committed against the good government of a nation, and a considerable inroad into the liberties of a subject. In discussing this crime, I shall only recur to the notes which I have taken, and my own knowledge of the law; if that statement should be inaccurate, there are sufficient opportunities for amendment in the course of this trial. Treason consists in levying war against the government of the United States: it may confidently be said, not only to consist in joining or aiding the hostile intentions of a foreign enemy, nor is it confined to rebellion, in the broad sense in which that word is generally understood, or in the utter subversion of the government and its fundamental institutions; but it also consists in the raising a military force from among the people, for the purpose of attaining any object with a design of opposing the lawful authority of the government by dint of arms, in some matter of public concern in which the insurgents have no particular interest distinct from the rest of the community. This is the best description of the crime of treason, as it relates to the

matter before you, which I am able to give. A tumultuously raising the people with force, for the purpose of subverting or opposing the lawful authority of the government, in which those insurgents have no particular interest distinct from the people at large.

"Agreeable to the division made in the definition of treason by Lord Hale, it must consist both in levying war, and in levying war against the government of the United States. Respecting levying war, it is to be understood, agreeable to the most approved authorities, that there must be an actual military array. I mention this, because I think it proper to be particular in so essential and important an inquiry; and because I think we shall prove to you that this was actually done by the prisoner. Another thing I wish you to bear in mind is, that war may be sufficiently levied against the United States, although no violence be used, and although no battle be fought. It is not necessary that actual violence should take place, to prove the actual waging of war. If the arrangements are made, and the numbers of armed men actually appear, so as to procure the object which they have in view, by intimidation as well as by actual force, that will constitute the offence.

"It must be war waged against the United States. This is an important distinction. A large assembly of people may come together, in whatever numbers, however they may be armed or arrayed, or whatever degree of violence they may commit, yet that alone would not constitute treason: the treason must be known; it must be for a public, and not a private revenge; it must be avowedly levying war against the United States. If people assemble in this hostile manner, not only to gratify revenge or any other purpose independent of war against the United States, it will only amount to a riot; but if it is an object in which the person has no particular interest, this constitutes the offence of treason. There are a variety of instances, which might be produced in order to illustrate this definition of the law; but it is not necessary to turn to them. Suffice it to say, that it is the intention or end for which an insurrection is raised, which constitutes the crime. This, of course, you will have in mind when the testimony is gone into. I will just observe, as applicable to this case, that one instance, which is defined, of the crime of treason is, to defeat the operation of the laws of government; any insurrec-

tion, I will be bold to say, to defeat the execution of the public laws, amounts to treason. Having given you this explanation of treason, so far as I suppose is connected with the present awful occasion, I shall now proceed to state the amount of evidence we mean to produce, in order to prove that the unhappy prisoner was guilty of that high crime.

"It will appear, gentlemen, from the testimony which will be presented to you, that during the latter months of the year 1798, discords prevailed to an enormous extent throughout a large portion of the counties of Bucks, Northampton, and Montgomery, and that considerable difficulties attended the assessors for the direct tax in the execution of the duties of their assessment. It is not in the nature of this inquiry to explain for what purpose or by what means the opposition was made; it is not necessary to say, whether the complaints urged, were well or ill founded, because it is a settled point, that any insurrection for removing public grievances, whether the complaints be real or pretended, amounts to treason, because it is not the mode pointed out by law for obtaining redress. It will then be sufficient to show you, that discontents did exist, and that in various townships of those counties; that in several townships, associations of the people were actually formed, in order to prevent the persons charged with the execution of those laws of the United States, from performing their duty upon them, and more particularly to prevent the assessors from measuring their houses. This opposition was made at many public township meetings, called for the purpose; in many instances resolutions were entered into and reduced to writing, solemnly forewarning the officers, whose duty it was to execute the laws, and these many times accompanied with threats, if they should perform that duty. Not only so, but discontents prevailed to such a height, that even the friends of the government in that part were completely suppressed, by menaces against any who should assist those officers in their duty; repeated declarations were made both at public as well as private meetings, that if any person should be arrested by the civil authority, such arrest would be followed by the rising of the people, in opposition to that authority, for the purpose of rescuing such arrested prisoners. It will appear to you farther, gentlemen, in the course of evidence, that during those discontents, indefatigable pains were taken by those who were

charged with the execution of the laws, to calm the fears and to remove the misapprehensions of the infatuated people; for this purpose, they read and explained the law to them, and informed them, that they were misled into the idea that the law was not in force, for that it actually was; at the same time warning them of the consequences which would flow from opposition; and this was accompanied with promises, that even their most capricious wishes would be gratified on their obedience. The favour was in many instances granted, that where any opposition was made to any certain person executing the office of assessor, in some townships proposals were made for the people to choose for themselves; but notwithstanding this accommodating offer, the opposition continued.

"After having showed to you the general extent of this combination and dangerous conspiracy, which existed in all the latitude I have opened to your view, we shall next give in evidence full proof that the consequences were actual opposition and resistance. In some parts violence was actually used, and the assessors were taken and imprisoned by armed parties; and in other, mobs assembled to compel them either to deliver up their papers or to resign their commissions; that in some instances they were threatened with bodily harm, so that in those parts, the obnoxious law did remain unexecuted in consequence of this alarm. Seeing the state of the insurrection and rebellion had arisen to such a height, it became necessary, in order to support the dignity, and indeed the very existence of the government, that some means should be adopted to compel the execution of those laws, and warrants were in consequence issued against certain persons, who had so opposed the laws; these processes being put into the hands of the marshal of the district, were served upon some of them. In some instances during the execution of that duty, the marshal met with insult, and almost with violence; having, however, got nearly the whole of the warrants served, he appointed head-quarters for these prisoners to rendezvous at Bethlehem, where some of them were to enter bail for their appearance in the city, and others were to come to the city in custody for trial. It will appear to you, that on the day thus appointed for the prisoners to meet, and when a number of them had actually assembled agreeable to appointment, that a number of parties in arms, both horse and foot, more than one hundred men, accoutred with all their military apparatus,

commanded in some instances by their proper officers, marched to Bethlehem, collected before the house in which were the marshal and prisoners, whom they demanded to be delivered up to them, and in consequence of refusal, they proceeded to act very little short of actual hostility, so that the marshal deemed it prudent to accede to their demands, and the prisoners were liberated.

" This, gentlemen, is the general history of the insurrection. I shall now state to you the part which the unfortunate prisoner at the bar took in those hostile transactions. It will appear that the prisoner is an inhabitant of the township of Lower Milford, in the county of Bucks; that some time in February last, a public meeting was held at the house of one John Kline in that township, to consider, in relation to this house tax, what was to be done; that at that meeting, certain resolutions were entered into, and a paper signed, (we have endeavoured to trace this paper so as to produce it to the court and jury, but have failed;) this paper was signed by fifty-two persons, and committed to the hands of one of their number. John Fries was present at this meeting, and assisted in drawing up the paper, at which time his expressions against this law were extremely violent, and he threatened to shoot one of the assessors, Mr. Foulke, through the legs, if he did proceed to assess the houses.

" Again, the prisoner at a vendue, threatened another of the assessors, Mr. S. Clarke, that if he attempted to go on with the assessments, he should be committed to an old stable, and there fed on rotten corn. We shall further prove, that upon its being intimated by some of them to Mr. Chapman, principal assessor, that if they might choose their own assessors, things would go on quietly; he directed that they should do so; but still they continued in opposition to the law, and would not choose an officer at all. A general meeting was called to read and explain the law to the people, and thus remove any wrong impressions and misapprehensions; the principal assessor was at that meeting; but the rudeness, opposition, and violence used by the people, prevented him from doing so, which was an evident proof that they did not want to hear the law, and that they understood enough of it to oppose it. Thus the benevolent intention of that meeting was frustrated. We shall further show you, that the assessor of Lower Milford was intimidated so as to decline making the assessments, and

that the principal assessor, together with three other assessors, were obliged to go into that township to execute the law; that they proceeded in the execution of their duty during a part of the day of the 5th of March last, without any impediment; that at eleven o'clock in the morning, Mr. Chapman met at the house of Jacob Fries, in Lower Milford, with the prisoner, when he, the prisoner, declared his determination not to submit, but to oppose the law, and that by the next morning he could raise seven hundred men in opposition to it: that upon Mr. Chapman telling him that many houses were assessed, the prisoner flew into a violent passion, absolutely declaring that it should soon be in this country as it was in France. We shall farther show you, that at another time during the same day, the prisoner met with two of the assessors, Mr. Roderick, and Mr. Foulke, whom he warned not to proceed in the execution of their duty, accompanied with threats, that if they did they would be hurt, and left them in a great rage. Farther, he proceeded to collect parties, with whom he went in search of those men, and attacked them in executing their duty—one of them escaped, but the other he took; but not having got Mr. Roderick, who appeared to be a particular object of resentment, he let Mr. Foulke go, telling him he would have them again the next day. He told Mr. Clarke, that if he had met with Roderick, he would not have let him go so easy, and declared to him solemnly and repeatedly, that it was his determination to oppose the laws. We shall farther show you, that after having discharged Foulke, he proceeded to collect a large party in the township, in order to take the assessors the next day. Accordingly, on the day following, a numerous party, to wit, about fifty or sixty, the greatest part of whom were in arms, collected together and pursued the assessors, and not finding them in that township, pursued them into another, in order not only to chase them out of the township, but generally to prevent them executing their duty. This party collected, not only many of them in arms, but in military array, with drum and fife, and commanded by this Captain Fries, and one Kuyder: Fries himself was armed with a large horse-pistol. Thus equipped, they went to Quakertown, in order to accomplish their purpose, where they found the assessors; two of whom they took, but Roderick fled. Fries ordered his men to fire at the man who fled, and the piece was snapped, but did not go off. Fries did then compel

Foulke to deliver up to them his papers, but not finding in them what they expected, they were returned, but at the same time exacting a promise, that he, the assessor, should not proceed in the valuation of the houses in Lower Milford. Fries was, in many instances, extremely violent against this law, and peremptory in his determination not to submit to it, as will appear by the evidence.

" When they left Quakertown, they met with a travelling man, who expressed some good will towards the government, and for that expression they maltreated him very much, and expressed their general dislike to all who supported the same principle. During the time they were at Quakertown, intimation was received that the marshal had taken a number of persons prisoners, in consequence of opposing the execution of this law, whereupon a determination was formed amongst those people, to go and effect their rescue; and the people of Milford were generally invited to assist in this business. When they were going, the party halted at the house of John Fries, and then a paper was signed, by which they bound themselves volunteers to go upon the execution of this design. This paper was written by the prisoner at the bar, and signed by him and the rest; therein they engaged to go and rescue the prisoners who had been arrested by the marshal. On the morning of the next day twenty or more of them met at the house of Conrod Marks, in arms, to go on with their design. John Fries was armed with a sword, and had a feather in his hat. On the road as they went forward they were met by young Marks, who told them that they might as well turn about, for that the Northampton people were strong enough to do the business without those from Bucks county; some were so inclined to do, but at the instance of Fries and some others, they did go forward, and actually proceeded to Bethlehem. Before the arrival of these troops, a party going on the same business had stopped at the bridge, a small distance from Bethlehem, when they had been met by a deputation from the marshal, whom he had prevailed on to go and meet them, in order to advise them to return home; they agreed to halt there, and to send three of their number to declare to the marshal what was their demand. It was during this period that Fries and his party came up, but it appears that when they came, Fries took the party actually over the bridge, and that he arranged the toll with the man and ordered them to proceed.

"With respect to proof of the proceedings at Bethlehem, it cannot be mistaken; he was there the leading man, and he appears to enjoy the command. With the consent of his people, he demanded the prisoners of the marshal, and when that officer told him that he could not surrender them, except they were taken from him by force, and produced his warrant for taking them, the prisoner then harangued his party out of the house, and explained to them the necessity of using force; and that you should not mistake his design, we will prove to you that he declared, 'that was the third day which he had been out on this expedition, that he had had a skirmish the day before, and that if the prisoners were not released he should have another that day. Now you observe,' resumed he, 'that force is necessary, but you must obey my orders: we will not go without taking the prisoners; but take my orders, you must not fire first; must be first fired upon, and when I am gone then must do as well as you can, as I expect to be the first man that falls.' He farther declared to the marshal, that they 'would fire till a cloud of smoke prevented them from seeing one another;' and executing the office of commander of the troops, which at that time overawed the marshal and his attendants, harangued the troops to obey his orders, which they accordingly did; and the marshal was really intimidated to liberate the prisoners; and then the object was accomplished, and the party dispersed amid the huzzas of the insurgents. After this affair at Bethlehem, it will be given you in evidence that the prisoner frequently avowed his opposition to the laws and justified that outrage; and when a meeting was afterwards held at Lower Milford to choose assessors, the prisoner refused his assent to the accommodating object of the meeting, and appeared as violent as ever."

William Henry, William Barnett, John Barnett, Christian Winters, Christian Butz, Colonel Nichols, Philip Selaugh, Joseph Horsefield, John Mopollan, and several others, were called on the part of the prosecutor, whose evidence went to confirm the several charges stated by Mr. Sitgreaves.

Mr. Dallas, as counsel for the prisoner, endeavoured to prove that the crime of which Fries was guilty, did not amount to treason. He challenged the prosecuting counsel to say, in what part of the evidence it had appeared, that the

insurgents went further than to declare that the law did not please them; that though they did not mean to compel Congress to repeal it, they had some doubts and wished to ascertain whether it existed or not; to know whether the country in general had submitted to it; to know whether General Washington was not dissatisfied with it, and to see whether they could not get the assessors appointed by themselves. Under these impressions many irregularities occurred; but he asked the adverse counsel to point out if they had discovered through the whole course of the business, any insurrection existing, any traitorous design, till the meeting at Bethlehem; or whether, till that moment, the inhabitants of Northampton could be said to have been guilty of any crime? He requested the gentlemen of the jury to view for a moment the motives of the people in the lawless scene at Bethlehem. What did they do? They rescued the marshal's prisoners; and when they effected the rescue, they dispersed: their whole object then was consummated; for he presumed they contemplated nothing further, as he saw them attempt nothing more; and yet the time was very favourable to accomplish a more extensive design, if it had ever been meditated.

There was another circumstance, Mr. Dallas said, to which he wished to lead the attention of the jury. He found there was an indisposition to allow a particular class of officers to make the assessments; and the people urged, that if it was to be done, it should be done by their own assessors. In this important point, therefore, the particular officers, and not the law, formed the object of resentment and opposition on this distinction. He had the respected authority of Mr. Bradford, the late attorney-general of the United States, for asserting that the offence was riot, and not treason.

The acts committed during that scene of tumult, ought to be punished, and he hoped would be punished; but as acts of riot and sedition, not as acts of treason.

He was sensible it was possible to draw distinctions; to refine upon the meaning, and pervert the language of the act; but, on principles of humanity, he was confident the prosecutor would abstain from a mere exercise of ingenuity and eloquence, while he, who contended in favour of life, had a claim to every indulgence; a right to the benefit of every shade of discrimination.

Mr. Dallas concluded by pointing out the differences in the

nature, progress, and turpitude of the Northampton insurrection, and of the Western insurrection: he also analyzed the case of Lord George Gordon, and contended, that upon this authority alone, the prisoner ought to be acquitted. In the case of Lord Gordon, the direct, the avowed object, was to obtain the repeal of a law; and as petitions and remonstrances were unavailing, a body of forty thousand men were convened, and marshalled to surround, intimidate, and coerce the parliament. Riot, arson, murder, and every species of the most daring outrage and devastation ensued; and yet the only prosecution for high treason was instituted against the leader of the association; and that prosecution terminated in an acquittal. "View then, the riots of Lord George Gordon," (exclaimed Mr. Dallas) "estimate their guilt by the avowed object; aggravate the scene with the contemporaneous insults and violence offered to the persons of peers and commoners, and close the retrospect with the horrors which the British metropolis endured for more than eight days, and then say what was the guilt of John Fries, compared with the guilt of Lord George Gordon? what is there in the English doctrine of treason, that has justified an acquittal of the latter? what is there in the American doctrine of treason, that will justify a conviction of the former?

"Gentlemen, I can proceed no longer—the life of the prisoner is left with great confidence in your hands. There are attempts to make him responsible, under the notion of a general conspiracy, for all the actions, and all the words of meetings, which he never attended, and of persons whom he never saw. But this is too, too harsh, in case of blood: it is inconsistent with the humanity, the tenderness of life, which are characteristics of the American people, and especially of the people of Pennsylvania. Nor is it called for by the policy or practice of those who administer our government. I believe that to the chief magistrate, to every public officer, to every candid citizen, it will be a matter of gratification if, after so fair, so full a scrutiny, you should be of opinion, that treason has not been committed. Such an event will by no means insure impunity to the delinquent; for though he has not committed treason, though the punishment of death is not to be inflicted, the violation of the laws may be amply avenged upon an indictment of a different nature. The only question, however, now to be decided is, whether the offence proved is, like the

offence charged, treason against the United States. The affirmation must be incontestibly established, as to the fact and the intention, by the testimony of two witnesses to the same overt act; but remember, I pray you, what the venerable Lord Mansfield stated to the jury on Lord Gordon's trial; for if you doubt (it is the principle of law as well as humanity) you must acquit."

Mr. Dallas then called several witnesses, in order to prove that the crime with which Fries was charged, only amounted to a riot.

Mr. Ewing, after the evidence on the part of the prisoner was closed, addressed the jury in a very pathetic and ingenious speech. He said he was sensible that Fries had been guilty of a flagrant violation of law, an offence for which he deserved to suffer, and which the good of society required should be punished; but he contended and asserted with confidence, because he thought the law would bear him out, that no act the prisoner had committed, could be construed treason by the most rigid or strained construction of law.

Mr. Sitgreaves spoke in reply—after which Mr. Lewis addressed the jury in behalf of Fries in a speech of several hours, in which he brought forward every argument in defence of the prisoner which legal knowledge or ingenuity could suggest.

Mr. Rawle closed the prosecution; after which Judge Iredell summed up the evidence on both sides, but not with that candour the case required. An evident bias against the prisoner was displayed both in his speech, in his looks, and his gestures.

The jury withdrew for about three hours, and then returned with a verdict—GUILTY.

This trial occupied the unremitted attention of the court and jury from April 30th until May 9th, inclusive, during which time the jury never separated.

The court having met on the 14th of May, to pronounce sentence, Mr. Lewis read several depositions, which imported that John Rhead, one of the jurymen, had declared a prejudice against the prisoner, after he was summoned as a juror on the trial. He said he found that he could procure other affidavits to the same fact, on the ground of which he moved a rule when the court last met, to show cause why there ought not to be a new trial. He expressed himself aware of the lateness of the period, a verdict having been given, but

the impossibility of proving the fact earlier, was a sufficient apology. He should forbear to enter into the merits of the motion at that time.

Several witnesses were examined, who deposed that Rhead had used several harsh expressions respecting Fries, after he had been summoned as a juror. This fact having been proved to the satisfaction of the court, a new trial was granted: the particulars of which will be given in another chapter.

CHAPTER XI.

Trials of Jonathan Robbins, Isaac Williams, and William Frothingham.

THE fate of Jonathan Robbins, and the story of this unfortunate seaman, are too well known and too deeply impressed on the hearts of Americans to require any comment or introductory remarks previous to the narration of the mock trial which the clemency of a southern judge granted him.

On the 25th of July, 1799, he was brought before Judge Bee, of the district court of South Carolina, in virtue of a demand made by his Britannic majesty's consul, (on suspicion of his having been concerned in a mutiny on board the British frigate Hermione, in 1797,) that he might be delivered up (to be sent to Jamaica for trial) in virtue of the 27th article of the treaty between the United States and Great Britain, which article runs thus:

"It is further agreed, that his majesty and the United States on mutual requisitions, by them respectively, or by their respective ministers or officers, authorized to make the same, will deliver up to justice all persons who, being charged with murder or forgery committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other: provided that this shall only be done on such evidence of criminality, as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension, and a commitment for trial, if the offence had been committed. The expense of such apprehension and de-

livery shall be borne and defrayed by those who make the requisition and receive the fugitive."

The commitment of the prisoner was grounded on the two following affidavits:

"*South Carolina District.*

"William Portlock, a native of Portsmouth, in the state of Virginia, upwards of eighteen years old, appeared before me, and being duly sworn, made oath, that he was one of the crew before the mast in the schooner Tanner's Delight, which was commanded by Captain White, who arrived here about three weeks ago; that a person who answered by the name of Nathan Robbins, came also in the said vessel, before the mast, with him; that he, said Robbins is a tall man, middle size, had long black hair, dark complexion, with a scar on one of his lips; that on and about last Christmas night, he was present, and heard the said Robbins talking in the harbour of the city of St. Domingo to some French privateers-men, who were on board the Tanner's Delight, when and where he informed them, in his hearing, that he, the said Robbins, was boatswain's mate of his majesty's frigate Hermione, when she was carried into the port Cavilla; and added, that they had no occasion to take notice of that. And after the above time, sometimes when he was drunk, he, the said Robbins, would mention the name of the Hermione, and say bad luck to her, and clench his fist.

his
"William ⋈ Portlock.
mark.

"Sworn before me, this 20th February, 1799.

"Thomas Hall, J. P. & U."

"*United States of America, South Carolina District.*

"Personally came and appeared before me Lieutenant John Forbes, who being duly sworn, deposeth, that a person confined in the gaol of this district, who calls himself Nathan Robbins, but whose real name this deponent believes to be Thomas Nash, was a seaman on board the Hermione, British frigate, in which the deponent was a midshipman from the 8th of February, 1797, until the 30th of August following; during which time the said Nash was personally known to this deponent; that this deponent was removed from the said frigate to

the sloop of war Diligence, on the said 30th day of August, 1797. This deponent further deposeth, that on the 19th of September following, he was sent on board of the said British frigate, at which time he saw and left the said Nash in the same station, on board that vessel, as he was at the time of this deponent's being a midshipman therein. That on the 22d of the said month, the crew mutinied on board the said frigate, killed the principal officers, piratically possessed themselves of her, carried her into Laguyra, and there disposed of her to certain subjects of his Catholic Majesty. That the said Thomas Nash was one of the principals in the commission of the said acts of murder and piracy; whose conduct in that transaction has become known to this deponent by depositions made, and testimony given in court-martial, where some of the said crew have been tried.

"JOHN FORBES.

"Sworn before me this 18th April, 1799.

"THOMAS BEE,

"District Judge, South Carolina."

Upon a candid review of these depositions, there does not appear to have existed the slightest cause for even a commitment of Jonathan Robbins. The testimony on the part of Portlock is trifling in the extreme, and that of Lieutenant Forbes entirely verbal report. In the article of the British treaty, there is not a word said of any fugitive that may be found within their dominions, charged with having committed offences at sea on board of American vessels. It is entirely confined to cases within the jurisdiction of each, that is territorial jurisdiction; for had the minister of Britain considered ships as the territory specified in the treaty, he certainly would, by a particular clause, have provided for cases arising at sea.

That the British government considered the word territory as not applying to ships, is evident from a circumstance which occurred soon after. The crew of an American vessel rose upon their captain, whose name was Little, murdered him and his mate, and then carried the vessel into Britain. The mutineers, in place of being sent back to America, were tried and executed in England.

Judge Bee, some days before the court met, received a letter from the Secretary of State, mentioning that an application had been made by the British minister, Mr. Liston, to the

President for the delivery of the prisoner, under the twenty-seventh article of Jay's treaty, and containing these words: "The President advises and requests you to deliver him up."

This letter was not read in court, though it was shown to the counsel on both sides, but the following certificate and affidavit were produced in behalf of the prisoner, by his counsel, Messrs. Moultrie and Ker:

"*United States of America, State of New York.*

"By this public instrument, be it known, &c. that I, John Keese, a public Notary, &c. do hereby certify that Jonathan Robbins, who has subscribed these presents, personally appeared before me, and being by me duly sworn according to law, deposed: That he is a citizen of the United States of America, and liable to be called into the service of his country, and is to be respected accordingly at all times by sea and land.

"Whereof an attestation being required, I have granted this under my notorial hand and seal.

"Done at the City of New York in the State of New York, the 20th day of May, 1795.

"Quod attestor,

JOHN KEESE, Notary Public."

"Jonathan Robbins, a mariner, a prisoner now in the custody of the marshal of the district court of the United States, for South Carolina, being duly sworn, saith he is a native of the State of Connecticut, and born in Danbury, in that state; that he has never changed his allegiance to his native country; and that about two years ago, he was pressed from on board the brig Betsey, of New York, commanded by Captain White, and was detained there contrary to his will, into the service of the British nation, until the said vessel was captured by those of her crew, who took her into a Spanish port by force, and that he gave no assistance in such capture.

"JONATHAN ROBBINS.

"Sworn this 25th July, 1799, before me,

"THOMAS HALL, *Federal Clerk, and J. P. and U.*"

The signature made by the prisoner to this affidavit in court, appeared to be in the same handwriting as the signature made to the one in 1795, from which circumstance it may be presumed, that Jonathan Robbins is the prisoner's real name.

The body of the affidavit made in New York, in 1795, was printed; the names, dates, signatures, &c., were filled up in writing; it had the notarial seal of John Keese, Esq., affixed, and had the appearance of being a genuine paper, used by seamen at that day as a protection.

These affidavits, and the question whether the prisoner was an American, and an impressed seaman or not, were in the opinion of the court altogether immaterial; and Judge Bee, without any hesitation, pronounced the decree for delivering up a fellow-citizen into the hands of a foreign executioner. Poor Robbins was then immediately conveyed on board a British sloop of war, which carried him to Jamaica, where he received the ignominious death of a traitorous assassin.

On the 28th of September, a trial of the most momentous nature came on before the circuit court at Hartford, in Connecticut. An indictment was laid against one Isaac Williams, for having, on the 27th of February, at Guadaloupe, accepted from the French republic a commission and instructions against the King of Great Britain and his subjects, contrary to the twenty-first article of the treaty with the United States.

It was admitted on the part of Williams, that he had committed the facts alleged against him in the indictment; but in his defence, he offered to prove that in the year 1792, he received from the Consul-General of the French republic a warrant appointing him a third lieutenant on board the Jupiter, a French seventy-four gun ship; that pursuant to the appointment, he went on board the Jupiter, took the command to which he was appointed, which vessel soon after sailed for France, and arrived at Rochefort in the autumn of the same year. That at Rochefort he was duly naturalized in the various bureaus in that port, renouncing his allegiance to all other countries, particularly to America, and taking a solemn oath of allegiance to the republic of France, who appointed him a second lieutenant on board a French frigate, called the Charont, and that before the ratification of the treaty of amity and commerce between the United States and Great Britain, he was duly commissioned a second lieutenant on board a seventy-four-gun ship, in the service of the said republic; and that he had ever since continued under the government of that nation, most of the time actually residing in the dominions of the French republic; that during the said period, he was not resident in the United States more than six months, which was

in the year 1797, when he came to this country for the purpose merely of visiting his relations and friends; that for about the three last years of his life, he had been domiciliated in the island of Guadaloupe, within the dominions of the French republic, and had made that place his fixed habitation, without any design of again returning to the United States for permanent residence.

The attorney for the district agreed that the above statement was true; but objected, that it ought not to be admitted as evidence to the jury; because it could have no operation in law to justify the prisoner for committing the facts alleged against him in the indictment.

The question was then argued on both sides, by the counsel for the United States, and by the counsel for the prisoner.

Mr. Law, district judge, expressed doubts as to the legal operation of the evidence; and gave it as his opinion, that the evidence and the operation of law thereon, be left to the consideration of the jury.

Mr. Ellsworth, chief justice of the United States, gave his opinion on the question nearly to the following effect:

"The common law of this country remains the same as it was before the revolution. The present question is to be decided by two great principles; one is, that all the members of civil community are bound to each other by compact; the other is, that one of the parties to this compact cannot dissolve it by his own act. The compact between our community and its members is, that the community will protect its members, and on the part of the members, that they will at all times be obedient to the laws of the community, and faithful in its defence. This compact distinguishes our government from those which are founded in violence or fraud. It necessarily results, that the member cannot dissolve this compact, without the consent or default of the community. There has been no consent—no defaults —default is not pretended—express consent is not claimed; but it has been argued, that the consent of the community is implied by its policy, its condition, and its acts. In countries so crowded with inhabitants, that the means of subsistence are difficult to be obtained, it is reason and policy to permit emigration. But our policy is different; for our country is but sparely settled, and we have no inhabitants to spare.

"Consent has been argued from the condition of the country, because we were in a state of peace; the war had com-

menced in Europe. We wished to have nothing to do with the war; but the war would have something to do with us. It has been extremely difficult for us to keep out of this war; the progress of it has threatened to involve us. It has been necessary for our government to be vigilant in restraining our own citizens from those acts which would involve us in hostilities. The most visionary writers on this subject, do not contend for the principle in the unlimited extent, that a citizen may at any and all times, renounce his own, and join himself to a foreign country.

"Consent has been argued, from the acts of our own government, permitting the naturalization of foreigners. When a foreigner presents himself here, and proves himself to be of a good moral character, well affected to the constitution and government of the United States, and a friend to the good order and happiness of civil society; if he has resided here the time prescribed by law, we grant him the privileges of a citizen. We do not inquire what his relation is to his own country; we have not the means of knowing, and the inquiry would be indelicate; we leave him to judge of that. If he embraces himself by contracting contradictory obligations, the faults and the folly are his own. But this implies no consent of the government, that our own citizens should expatriate themselves.

"Therefore, it is my opinion, that these facts which the prisoner offers to prove in his defence, are totally irrelevant; they can have no operation in law, and the jury ought not to be embarrassed or troubled with them; but by the constitution of the court the evidence must go to the jury."

The cause and the evidence were accordingly committed to the jury, who returned a verdict finding the prisoner guilty.

The court sentenced him to pay a fine of 1000 dollars, and to suffer four months imprisonment.

Isaac Williams was also indicted before the same court, for having on the 22d of September, 1799, in a hostile manner, with a privateer commissioned by the French Republic, attacked and captured a British ship and crew on the high seas. Williams's defence on the first indictment being of no avail, and having no other defence but this, he pleaded guilty.

The court sentenced him to pay a fine of 1000 dollars, and to suffer a further imprisonment of four months.

This decision called loudly for the examination not only of

individual citizens, but of each State Legislature, and of Congress itself. The opinion of Judge Ellsworth, respecting the validity of the common law, was both dangerous and absurd. The grounds upon which he denied an American citizen the right of expatriation, were equally unfounded. The merits, therefore, of these questions were immediately taken up and fully discussed by several writers of the first legal abilities. Two letters in particular appeared in the Examiner, under the signature of Aristogeton, which treated this subject to its very foundation; and exposed completely the fallacy of the arguments adduced by the Chief Justice.

"What are the naturalization laws of the United States?" exclaims this writer. "They are laws authorizing the subjects and citizens of foreign nations to become citizens of this country; and they point out the particular mode in which they may become citizens—that these laws do admit that the members of other communities have a right to throw off their allegiance to their own country, is evident from the language. He (the alien) shall at the time of his application to be admitted, declare on oath or affirmation, that he will support the constitution of the United States; and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever; and particularly to name the prince, potentate, state or sovereignty, whereof he was before a citizen or subject.

"The alien, who visits our country for the purpose of becoming a citizen, either had a right to throw off his allegiance to his former sovereign without obtaining the consent of that sovereign, or he has not such a right. If he has such right it must be a natural one, because no code of municipal laws in Europe grants the right; nay some of them expressly take it away. If it is a natural right, it belongs equally to all mankind; the citizens of America, therefore, are equally entitled to it with the rest of mankind. But of natural rights, men cannot be fairly and properly deprived. No congress, therefore, can properly deprive an American citizen of this right. Great God! what must have been the feelings of Judge Ellsworth when he was depriving Williams of this natural right! But I will suppress the emotions which beat in my bosom, upon the recollection of this hideous sentence, and I will proceed to examine coolly and dispassionately the question. If the alien had not a right to throw off his allegiance

to his own country, then Congress by making the law, have deprived foreign governments of one of their most essential rights, and have been moreover guilty of a crime which approaches very nearly to that of man-stealing. Yes! if an individual has not a right to throw off the allegiance of his country, if his sovereign's consent is necessary, and if our laws do not require that that consent should be given, we have certainly violated the rights of all the sovereigns in the world. We have decoyed and spirited away from their own homes the members of all the sovereignties of Europe; we have decoyed them by the most extensive promises; by the promise that they shall after a short time become the citizens of a free republic; that they shall enjoy here all the bounties of nature, and possess in security all the products of their labour. This promise has been unaccompanied with any requisition of their sovereign's consent, and if we had not a right to make such an unqualified promise, we have (I aver again) been guilty of man-stealing. And as the punishment of man-stealing is death, so, when nations are guilty of it, a just foundation is laid for war. Now, whatever right an individual may have to think that the people and the Congress of the United States have violated the rights of other sovereigns, certainly a judge can have no right to make such declaration from the bench of justice. Such is the dilemma in which Judge Ellsworth has placed himself. He must either admit that, according to the principles of our naturalization laws, our citizens have a right to expatriate themselves, or that the legislature of the United States, that body whose laws (when they are constituted) he is bound to expound and enforce, have been guilty of the most horrible of all crimes, and have given a sufficient cause of war to all the nations in the world."

On Thursday, the 21st of November, at New York, David Frothingham was indicted for a libel against Alexander Hamilton, Esq. Major-General in the service of the United States.

The publication which gave rise to the indictment was copied in the Argus of the 6th instant, from the Constitutional Telegraph, and is as follows:

"*Extract of a letter from Philadelphia, September* 20.

"An effort was recently made to suppress the Aurora, and Alexander Hamilton was at the bottom of it. Mrs. Bache

was offered 6000 dollars down, in the presence of several persons, in part payment, the valuation to be left to two impartial persons, and the remainder paid immediately on her giving up the paper; but she pointedly refused it, and declared she would not dishonour her husband's memory, nor her children's future fame, by such baseness; when she parted with the paper it should be to Republicans only.

"I am proud to hear of your honorable State's republicanism. The change in men's minds here is truly astonishing."

The business was opened by Mr. Hoffman, as attorney-general. The bench consisted of Judge Radcliff, Richard Harrison, recorder, and the mayor of the city. No evidences were sworn on either side, except Mr. C. Colden, assistant attorney, and General Hamilton himself.

Mr. Colden stated, that at the instance of a letter from Major-General Hamilton, he had called at the office of the Argus, and was introduced to Mr. Frothingham, as conductor of the business; that after some conversation, Mr. Frothingham said, he expected that he was liable for any publications which appeared in the Argus, but repeatedly observed, that he saw no criminality in the present instance as it respected him; the plea in dispute having been copied from another paper: Mr. Colden added, that in pursuance of this declaration Mr. Frothingham was arrested.

Major-General Hamilton was called upon, on the part of the State, to prove that he was innocent of the charge alleged against him. This was objected to by Mr. B. Livingston counsel for the defendant; and the objection admitted by the court. The General was then asked to explain certain inuendoes in the indictment, respecting speculation, &c. This having been done, he was interrogated what was generally understood by *secret service money?* being very well versed in the vernacular tongue, he found some difficulty in the explanation; but gave it as his opinion, that it meant money appropriated by a government, generally for *corrupt purposes*, as it respected the country and government in which it was to be distributed; but in support of the government which gave it! He was then asked, whether he considered the *Aurora* as *hostile* to the government of the United States? and he replied in the affirmative! This closed the testimony.

Mr. Brockholst Livingston then attempted to prove that

Mr. Frothingham was not responsible; that his declaration to Mr. Colden should not be admitted as proof against him, and that the attorney ought to have arrested the editor. In reply to this, Mr. Hoffman contended, that every journeyman and apprentice in the printing-office was liable to a prosecution, as having been accessary to the publication of the libel, and consequently Mr. Frothingham, as foreman of the office, was particularly so. To this extravagant and infamous doctrine, Mr. Livingston replied with his usual pertinency and eloquence. Mr. Livingston offered to adduce proofs of the situation in which Mr. Frothingham was placed in the office of the Argus; but this was overruled by the court. He then went into an examination of the publication, and having dissected it in a masterly manner, concluded his defence with a few general observations.

The jury found a verdict of guilty, but recommended Mr. Frothingham to the mercy of the court. The latter fined him in one hundred dollars, and sentenced him to four months confinement in Bridewell.

CHAPTER XII.

Remarks upon an Aristocratical form of Government—The Administration of Mr. Adams compared to an Aristocracy—Quarrel at Trenton between Mr. Adams and his ministers—Hamilton's letter respecting their difference—Appointment of an embassy to France—Characters of the Envoys—Anecdotes of Adams and Franklin—Adams's jealousy and dislike to Franklin—Adams endeavours to calumniate Franklin—Vindication of Franklin—Memoirs of Alexander Hamilton.

Experience has proved, that, of the various forms of government which have prevailed in the world, an aristocracy is one of the weakest, and least favourable to the happiness of mankind. The hereditary monarch may transmit through several generations, an unlimited authority with considerable profit, both to art and science. The acknowledged right which he enjoys by birth, extinguishes the spirit of faction,

and renders him less cruel and more attentive to the wants of the subject than an host of tyrants, who, after having sported with the liberties of the people, are under the necessity, in order to retain the power they have unjustly seized, to trample to the ground every species of honesty and worth. This was the case with our late President and his associates: after having wrested from their fellow-citizens the liberty of speech, they established, under the mask of freedom, an aristocracy more powerful in its nature, than either the Senate of Berne, the nobility of Venice, or the Directory of France. But mutual jealousy, which, sooner or later, overthrows the fabrics of the wicked, overturned their schemes and ended their intentions.

In the town of Trenton, the capital of Jersey, the first public schism in the Federal cabinet took place.

The particular expressions which passed on this occasion, between the President and his ministers, never transpired; but from the printed letter addressed to Mr. Adams, by General Hamilton, we are informed of the principal cause of their difference.

Mr. Hamilton asserts, that after the failure of the Pinckney embassy to France, Mr. Adams arrived at Philadelphia, from his seat at Quincy, and that "the tone of his mind seemed to have been raised rather than depressed." That his counsellors suggested to him, it might be expedient to insert in his speech to Congress, a sentiment of this import: "That after the repeatedly rejected advances of this country, its dignity required that it should be left with France in future to make the first overture; that if desirous of reconciliation, she should evince the disposition by sending a minister to this government, he would be received with the respect due to his character, and treated with the frankness of a sincere desire of accommodation." Mr. Adams received this suggestion in a manner both indignant and intemperate, and declared, "*That if France should send a minister to-morrow, he would order him back the day after.*" But in less (says Mr. Hamilton) than forty-eight hours from this extraordinary sally, the mind of Mr. Adams underwent a total revolution. "He resolved not only to insert in his speech the sentiment which had been proposed to him, but to go farther, and to declare, that if France would give explicit assurances of receiving a minister from this country with due respect, he would send one."

In vain did Pinckney and M'Henry oppose this resolution. Mr. Adams obstinately persisted, and the declaration was introduced.

Mr. Adams appears afterwards to have nominated Mr. Murray as envoy to the French republic, without previous communication with any of his ministers. Shortly after he nominated two more, Judge Ellsworth and Mr. Davie.

Mr. Ellsworth's talents were no doubt great, but his opinions respecting law were formed upon the Mansfield system. His decision in the case of Captain Williams, was directly opposed to the law of nations, and to the former practice of the American courts. His knowledge of European affairs was also very limited in theory as well as practice.

George Davie was better calculated for the mission. This gentleman was about forty years of age; possessed of engaging manners and an easy address; he had been educated at Princeton college; served with reputation in the revolutionary war; afterwards studied the profession of the law, and previous to his appointment, was made a general in the provisional army, and elected governor of North-Carolina.

When the news of the revolution in the Directory arrived, Mr. Hamilton says, that Mr. Adams was then at his seat in Massachusetts, and that his ministers addressed to him a joint letter, communicating the intelligence, and submitting to his consideration, whether that event ought not to suspend the projected mission. Mr. Adams, in reply, directed the preparation of a draft of instructions for the envoys, and intimated that their departure should be suspended for some time.

Mr. Adams arrived soon after at Trenton, about the 17th of October, where he held a council with his ministers. Judge Ellsworth and General Hamilton were also present, though not at the desire of Mr. Adams. Mr. Hamilton says in his letter, that he arrived at Trenton a short time before the President, and Chief Justice Ellsworth a short time after him; that the object of his own journey was to concert with the Secretary of War, certain arrangements for the future disposition of the Western army, and that the cause of Judge Ellsworth's arrival, was to meet his colleague, Governor Davie, at the seat of government. "Yet these simple and accidental occurrences," says Mr. Hamilton, "were to the jealous mind of Mr. Adams, *confirmations strong* of some mischievous plot against his independence."

Mr. Adams is said, at this memorable meeting, to have observed a profound silence on the question, whether or not it was expedient that the mission should proceed. His secretaries, Pickering and M'Henry, as also General Hamilton, disapproved of the propriety of the embassy, and endeavoured to bring the President over to their opinion; but their arts were of no avail. The morning after the instructions were settled, he signified to Mr. Pickering, that the envoys were ready to depart.

This resolution of the President was, by the Hamiltonian party, regarded as bad policy, and incompatible with the dignity of Americans. By the anti-federalists, it was, on the contrary, esteemed a promising sentiment of repentance; but if we examine carefully the character and motives of Mr. Adams, it will appear that he was induced to this conciliatory measure, neither from a disrespect to his country, nor from the commendable desire of promoting republicanism; but most probably with the base design of rendering odious the measures of his secretaries, the power of whom his jealousy began to dread.

The vain and weak judgment of Mr. Adams easily figured, that if Pinckney, Hamilton, and Pickering were removed from the road to power, he might, by courting popular applause, rise on the shoulders of the people to an imperial throne, from whence he and his posterity might dictate to the inhabitants of half the globe.

No man's vanity can reasonably be supposed to exceed that of Mr. Adams. Weakness in intellect, which is generally the attendant of pride, is the predominant mark in his character. These causes render his temper unsufferable to his most intimate friends. On many occasions, Mr. Hamilton says, "he is liable to paroxysms of anger, which deprive him of self-command, and produce very outrageous behaviour to those who approach him. But the eternal rancour which Mr. Adams alway evinced against the great and good Franklin, is the most convincing proof, both of his vanity and the weakness of his understanding; several well-attested anecdotes confirm the truth of this assertion.

During the embassy of Franklin, Adams, and Lee at Paris, a fete was given in honour of America, by a Mrs. Bertand, the lady of a nobleman, who acted in capacity of Lord in waiting to the King. Mrs. Bertand was one of those cele-

brated female politicians, who used to be in the employ of the court, for the purpose of discovering, by her intrigues, the secret springs and intentions of foreign cabinets. She was also a lady of science, and the principal patroness of the arts in Paris. Her veneration for Franklin was equal to her contempt for Mr. Adams; but Adams and Lee, with almost every American of education then at Paris, were of course invited to partake of the pleasures of an entertainment, intended as a compliment to their country. During the performance of a theatrical piece, the portrait of Franklin was introduced on the stage: an universal burst of applause ensued, which wounded the feelings of Adams to such a degree, that he feigned sickness and left the performance.*

Mr. Adams soon after, in a letter to a friend in this country, complained, "we are all here mere satellites, revolving in the orbit of the planet Franklin, borrowing all our light from him, and unable to diffuse any of our own through his superior influence."

During his administration Mr. Adams gave countenance to every calumny which reflected upon the memory of that great philosopher; he enjoyed with secret triumph, the abuse which was darted by Porcupine, at Franklin's discoveries. He was even fond, when occasion offered, to cast a shade over his political reputation; but the most daring scheme in which it is *reported* Mr. Adams assisted to blacken the character of that illustrious man, and wound the feelings of his relations, was an attempt to accuse him of public peculation.

In the early part of the American Revolution, a million of livres was lent us by the French government. After Franklin's death, the enemies of liberty spread abroad insinuations, that Dr. Franklin had appropriated this money to himself; they contrived also to possess themselves of all the public papers by which his defendants could vindicate his reputation. This was done in the most artful manner. The sum of £15,000 sterling, was given to Mr. Charles Dilly, a bookseller in London, (who had contracted to publish a history of his life) to purchase all the documents which he had received from the family of Dr. Franklin. The only remaining channel of truth were the papers in possession of administration.

* The late Dr. James Smith, of New York, was present, and seated near Mr. Adams at the above fete.

These were applied for, but refused in the most contemptuous manner. "Mr. Adams was not to be disturbed, or the offices of the treasury ransacked, to please the whims of a few individuals," was the answer reported to be given. When, however, the recent change in the executive took place, and the records of state were brought forth from the cells of federal fraud, to blush at public inspection, the facts appeared to be, viz. that the American government was charged with the sum in question, and it had been allowed in the general liquidation of the French debt, though it had been objected to, under General Washington. When Gouverneur Morris was at Paris, as our minister, he took advantage of the passions of the revolutionary period, and addressed a letter to the committee of public safety, wherein he observed, "that it was time indeed to throw off that secrecy which involved in obscurity the transactions of cabinets, and the counsels of despots. The American and French republics could have no secrets, their acts were to be regulated by principles, not actuated by sordid or personal interests." He, therefore, solicited an inquiry into the mode by which the million in question had been bestowed, and to whom. The political fanaticism of the day, was caught by the jesuitical address of the wooden-legged envoy, and an account was rendered as it appeared on the public record of the royal department of foreign affairs.

The friends of Mr. Adams had insinuated the money was given to Dr. Franklin: Gouverneur Morris was, therefore, instructed to carry the inquiry up to the source. After examination, he discovered that the sum had been appropriated and lent to America before Dr. Franklin left this country. The suspicion was, therefore, transferred to Silas Deane; and it was concluded, that Deane could not have the money without Dr. Franklin partaking of the spoil or conniving at the robbery. Upon farther investigation, it was found that the money was given even before Deane arrived in France. This was a dilemma which had not been foreseen; but having proceeded so far, it was necessary to go the whole length; and upon application by *Mr. Morris*, an official copy of the receipt was given, which is now on the records of government, which shows that the money was procured from the Count of Vergennes, by *Caron Beaumarchais;* and a M. Chevalier, who acted as agent for this banker, and lives in the city of Rich-

mond, has been debited in his account with the United States for that million.*

All these facts must have been known to the late administration; but John Adams felt neither the generosity nor the justice due to the memory of Franklin, or the honour of his country, to reveal the truth.

That Mr. Adams had a disposition both cruel and ungenerous, is evident from a letter he wrote when in Holland to the governor of Massachusetts. This letter, which was intercepted by the English and published in the annual register for 1781, contains the following paragraph: "It is true, I believe, what you suggest, that Lord North showed a disposition to give up the contest, but was diverted from it, not unlikely, by the representation of the Americans in London, who, in conjunction with their coadjutors in America, have been thorns to us indeed on both sides of the water; but I think their career *might have been stopped on your side* if the executive officers had not been too timid in a point which I *so strenuously recommended at first, namely, to fine, imprison and hang all inimical to the cause, without favour or affection.* I foresaw *the evil that would arise from that quarter, and wished to have timely stopt it. I would have hanged my own brother if he had took a part with our enemy in this contest.*"

In the course of this history, the secret connexion which existed between Mr. Adams and the British minister, Mr. Liston, has been repeatedly mentioned. The truth of that connexion, and the influence of Great Britain upon the executive of America, cannot be better substantiated than by an intercepted correspondence between Mr. Liston and President Russel, at Toronto, in Upper Canada. The manner in which the letters of this correspondence were detected, is truly singular; they were seized in the custody of a notorious horse-stealer of the name of Sweezy, in Bucks county, in the state of Pennsylvania. Sweezy had been one of a gang connected with Dones and Sinclair, two robbers, who were hanged, the one in Pennsylvania, and the other in New Jersey. Sweezy himself was outlawed, and fled into Canada, by the government of which he was esteemed a proper person to be entrusted with the despatches of British intrigue. He per-

* This circumstance I had from a near relative of Dr. Franklin, upon whose veracity I can place the greatest reliance.

formed dutifully the object of his mission; but on his return, his person being recognised, he was pursued under the former outlawry. In the hurry of escape, he left behind a small parcel, in which several documents of the greatest importance to the interest of this country were found. They were immediately forwarded to the President of the United States; but the two following letters were the only ones made public. They are, however, sufficient proof of the secret schemes then carrying on between the government of the United States and that of Great Britain:

"*Philadelphia, 6th May*, 1799.

"Sir,—The government of the United States appears to be nearly in the same situation with regard to the Shaweneese Indians, as that of Canada is with respect to the Mohawks. The Shaweneese wish the United States to make some alteration of their limits, as fixed by the treaty of Grenville; and at the same time to confirm the sales of lands they have already made, and authorize future alterations. The American ministers, on the other hand, are determined not to grant this favour, and are embarrassed by the persevering importunity of the Indians. Advices lately arrived from Fort Wayne, inform the administration, that the Shaweneese intend this spring to call a general council of the nation, (composed of representatives from several tribes) with a view to take such measures as may be thought best calculated to obtain some modifications of the Grenville treaty—and the information adds, that this idea was first suggested by the late Colonel M'Kee, deputy-superintendant of Indian affairs.

"The government consider this interference as unfriendly, and injurious to their interests; and a complaint has been made to me on the subject, by the Secretary of State, with a request, that I would make such representation of the matter to you, as might produce a defeat of the project at present, and prevent all intervention of a similar nature in future.

"I informed the Secretary of State, that I could scarcely bring myself to credit the report respecting Colonel M'Kee; that at all events I could not conceive that any thing unfavourable to the United States could have been contemplated by a public officer in the service of Great Britain; but that I would of course make the representation requested; that I made no doubt of its having the desired effect, because I was

confident that you were sincerely disposed to ward off every incident that could give just cause of misunderstanding between the two nations.

"The situation of public affairs in this country continues the same as at the date of my last letter, unless it be that the *government has given* a new subject of *provocation to France*, by encouraging (in conjunction with us) the negro chief Toussaint, in measures which appear ultimately to tend to a separation of the island of St. Domingo from the mother country. Whether this *affront* will be *pocketed by the Directory*, I do not pretend to decide; but I cannot persuade myself that it is probable.

"I have the honour to be, with great truth and respect, Sir, your most obedient, humble servant,

"ROBERT LISTON.

"The honourable President Russel."

"*Philadelphia*, 23*d May*, 1799.

"SIR—My last letter being entrusted to a person who was not going directly to Upper Canada, I am uncertain whether it may yet have reached your hands, and therefore take an opportunity of transmitting a duplicate.

"On public affairs I have scarcely any thing to add. One step further on the road to a formal war between France and the United States, has been taken by the governor of Guadaloupe, who, in consequence of the capture of the Insurgente frigate, has authorized French ships of war to capture all American vessels, whether belonging to the government or to individuals. But the resolution of the Directory in the great question of peace or war is not yet known; perhaps the new explosion on the continent of Europe, may give them a degree of employment that may retard their decision.

"In the interior of this country, the declamation of the *democratic faction*, on the constitutionality and nullity of certain acts of the Legislature, have misled a number of poor ignorant wretches into a resistance to the laws and a formal insurrection. This frivolous rebellion has been quelled by a spirited effort of certain volunteer corps lately embodied, who deserve every degree of praise—but the conduct of these gentlemen having been shamefully calumniated by some of the popular newspapers, they have ventured to take the law into their own hands, and to punish one or two of the printers (by

a smart flogging;) a circumstance which has given rise to much animosity, to threats, and to a commencement of armed associations on the side of the democrats, (particularly the United Irishmen,) and some apprehend that the affair may lead to a partial civil war. The portion, however, of the Jacobinic party who could carry matters to this extremity, is but small; the government is on its guard, and is determined to act with vigour: and I do not apprehend any serious danger.

"I have the honour to be, with great truth and respect, Sir, your most obedient humble servant,

"ROBERT LISTON."

There was a third letter from Mr. Liston, but our executive would not permit a copy of it to go into the hands of the public: it stated too circumstantially the nature of its policy. Among other promises from America to Great Britain, it was mentioned that if Canada were attacked by a foreign power, the government of the United States *stood pledged* to supply a military force adequate to the exigency, to defend that colony, and to preserve it to the British government. Any comment upon these letters is unnecessary; they show in the fullest manner the practices of Liston, the intention of his country, and the corruptible heart of Mr. Adams, who, if he had any regard for the honour of Americans, would have immediately ordered the removal of that most execrable ambassador.*

As General Hamilton acted a conspicuous part during the late administration, in promoting the views of the federal interest, in combating the enemies of the British treaty, and opposing what was unjustly termed Jacobin influence, it is proper that some account of the life of that able officer and intelligent lawyer, should appear in this volume.

* Robert Liston, late Sir Robert Liston, is well known to have been a native of Scotland. He received his education at the University of Edinburgh, and was principally under the care of Professor George Stuart, father to the celebrated Gilbert Stuart. To the interest, advice, and recommendation of George Stuart, Liston was indebted for his first success in life; but he repaid the friendship of his patron and benefactor, by the blackest ingratitude. Dr. Gilbert Stuart, like many other men of talents, was imprudent and rather embarrassed in his circumstances; he applied to Liston as his college companion and friend in youth, for assistance—and suffered not only the refusal of a few guineas, which was the humble request, but was deprived, through Liston's interference, who represented him as a party writer, of employment from an opulent bookseller in London.

Alexander Hamilton was born about the year 1753, in the island of St. Croix. His father was a merchant of some eminence, and he himself was educated to the same profession. He acted for several years as clerk to a counting-house in that island and acquired by an active diligence, the favour and esteem of all with whom he had connexion. At the age of eighteen he was sent in the same capacity to New York, in which sphere of life he continued until the commencement of the revolutionary war.

This was the theatre for which nature had destined young Hamilton; he entered into the American army, and soon distinguished himself by uncommon enterprize and valour. His reputation procured him the appointment of an aid-de-camp to General Washington. In the year 1780, he was promoted to the rank of colonel, and at the siege of Yorktown commanded the attack on one of the redoubts, the capture of which decided the fate of Lord Cornwallis and his army. The conduct of Mr. Hamilton on this occasion was truly honourable; and in the history of his life, ought to weigh against several of those scars that have since stained his character. Previous to the assault, the Marquis de La Fayette proposed to General Washington, to put to death all the British troops that should be found in the redoubts, as a retaliation for several acts of barbarity committed by the royal army. The steady and nervous mind of Washington, which was never known to yield to the virtuous prejudice of compassion, gave his assent to the bloody order. But Mr. Hamilton, (the tenderness of whose feelings has led him into error) after the redoubts were subdued, took the conquered under his protection, and proved to his enemies that Americans knew how to fight but not to murder.

When the war was at an end, and the army disbanded, Mr. Hamilton betook himself to the study of the law. For this purpose he retired to Albany, where he secluded himself for several months, at the end of which he appeared at the bar of New York; where, in a short time, he acquired the reputation of an able advocate in point of legal knowledge and rhetorical talents. At this period the political sentiments of Mr. Hamilton were observed to change. From being a zealous republican and the defender of the rights of America, he gradually imbibed the tenets of aristocracy, until at length he

became the admirer and advocate of every measure allied with monarchy.

This change in Mr. Hamilton's principles, which at first proceeded from conviction, and has since been strengthened by views of interest, is easy to be accounted for.

Mr. Hamilton, unfortunately, was a native of that part of the civilized world where tyranny and slavery prevail in a manner even unknown to the despots of Europe; it was utterly impossible, that the habits and prejudices he contracted in infancy, could ever have been eradicated. The desire of ambition and power, which poisoned the first drop of blood that flowed in his veins, could only have been suppressed by a more powerful passion; this was the passion of war. Mr. Hamilton panted after fame and glory, and joined the republican standard as the most promising field for a display of those powers he possessed. He fought for liberty with the same zeal as a Briton would engage in the support of the Grand Turk or Dey of Algiers. To acquire the applause of his commander, and the respect of his fellow-soldiers, was his pride and ambition. In this he was successful: and while liberty was the object of his struggle, he was a republican—but when America procured her independence, and the horrors of a civil war were at an end, Mr. Hamilton had no longer a scope for his ambition in the theatre of arms. In his study of law he perceived another path to power; his copious imagination took a rapid survey of the civil code, the fascinating structure upon which the feudal system is raised, and the combined policy of English jurisprudence. In these fabrics of human knowledge, the production of ages, Mr. Hamilton perceived something more lofty and splendid, than those simple forms which modern republicanism cultivates. The grandeur attendant on hereditary titles pleased his mind and flattered his vanity. The American tory against whom he had fought, he now began to defend, his cause he espoused, and in every suit where a loyalist was concerned, Mr. Hamilton was the royal pleader. It is a certain fact that a great majority of the loyalists in the state of New York owe the restoration of their property solely to the exertions of this able orator.

Before the federal government was established, in the year 1788, Mr. Hamilton proposed a new constitution, to be composed of the following articles:

"1. The supreme legislative power of the United States

of America, to be vested in two different bodies of men; the one to be called the Assembly, the other the Senate, who together shall form the Legislature of the United States, with power to pass all laws whatsoever; subject to the negative hereafter mentioned. 2. The Assembly to consist of persons elected by the people, to serve for three years. 3. The Senate to consist of persons elected to serve during good behaviour. Their election to be made by electors chosen for that purpose by the people—in order to this, the States to be divided into election districts. On the death, removal or resignation of any Senator, his place to be filled out of the district from which he came. 4. The supreme executive authority of the United States to be vested in a governor, to be elected during good behaviour; the election to be made by electors chosen by the people, in the election districts aforesaid; the authorities and functions to be as follows: To have a negative upon all laws about to be passed, and the execution of all laws passed; to have the direction of war, when authorized or begun; to have, with the advice and consent of the Senate, the power of making all treaties; to have the sole appointment of the heads or chief officers of finance and foreign affairs; to have the nomination of all other officers, ambassadors to foreign nations included, subject to the approbation or rejection of the Senate; to have power of pardoning all offences except treason, which he shall not pardon without the approbation of the Senate. 5. On the death, resignation or removal of the governor, his authorities to be exercised by the President of the Senate, till a successor be appointed. 6. The Senate to have the sole power of declaring war, the power of advising and approving all treaties, the power of approving and rejecting all appointments of officers, except the heads or chiefs of the department of finance, war and foreign affairs. 7. The supreme judicial authority of the United States, to be vested in judges to hold their offices during good behaviour, with adequate and permanent salaries; the court to have original jurisdiction in all cases of capture, and an appellate jurisdiction in all causes on which the revenues of the general government or the citizens of foreign nations are concerned. 8. The legislature of the United States to have power to institute courts in each State, for the determination of all matters of general concern. 9. The Governors, Senators, and all officers of the United States, to be liable to impeachment

for male and corrupt conduct; and, upon conviction, to be removed from office, and disqualified for holding any place of trust and profit; and all impeachments to be tried by a court, to consist of the chief or judge of the superior court of law of each State, provided such judge hold his place during good behaviour and have a permanent salary. 10. All laws of the particular States, contrary to the constitution or laws of the United States, to be utterly void; and the better to prevent such laws being passed, the Governor or President of each State shall be appointed by the general government, and shall have a negative upon the laws about to be passed in the State of which he is Governor or President. 11. No State to have any force, land or naval, and the militia to be under the sole and exclusive direction of the United States, the officers of which to be appointed and commissioned by them."

Such a constitution as this, sketched out by Mr. Hamilton, would have been a direct extirpation of the rights of Americans. Experience has proved, that the number of Senators is so small, that a President may always command the acquiescence of a majority in any measure he thinks proper. If, therefore, the President and the Senate were to hold their places for life, nothing could be expected but tyranny and corruption. With the powers conferred by Mr. Hamilton, the President of the United States would only require the title of monarch to fit him for the company of the despots of Europe.

In the year 1788, Mr. Hamilton was appointed Secretary of the Treasury; while in this department a circumstance occurred, which will ever place his character in a suspicious point of view. This is his celebrated avowed intrigue with Mrs. Reynolds, the wife of a Mr. Reynolds, whose father had been in the commissary department during the revolutionary war. Reynolds and one Jacob Clingham, a clerk in the employ of Mr. Muhlenberg, were arrested towards the close of 1792, at the instance of Mr. Wolcott, the comptroller of the treasury, on a charge for subornation of perjury. Clingham procured bail, but Reynolds did not. When the latter was in custody, Clingham applied to Mr. Muhlenberg for his aid in behalf of himself and Reynolds, and repeatedly dropped hints, that Reynolds knew several very improper transactions of Mr. Hamilton, signifying that he was deeply concerned in

speculation, and that he had it in his power even to hang him. This information created such uneasiness in the mind of Mr. Muhlenberg, that he consulted with two of his friends, Mr. Monroe and Mr. Venable, on the subject. They waited on Reynolds, who appeared to confirm the report made by Clingham, and added he could not communicate the particulars, as he was apprehensive it might prevent his discharge, but that he would disclose the whole when liberated. He procured his discharge through the interest of Hamilton, the morning after the visit of Monroe and Venable, and immediately absconded.

The sudden enlargement and flight of Reynolds, were additional proofs of the truth of what Clingham had suggested. Messrs. Muhlenberg, Monroe and Venable, in order to obtain some information respecting this singular story, waited upon Mrs. Reynolds, the wife of the runaway. They found her alone and in a state extremely agitated; after some difficulty they obtained the following particulars: That Colonel Hamilton and her husband had been for some time in the habit of correspondence, but at the request of the former and in the absence of the latter, she had burned almost all the letters; that Colonel Hamilton offered her his assistance to go to her friends; and he also advised that her husband should leave this country, not to be seen again, in which case he would give her something clever.

Mrs. Reynolds also told Clingham that her husband received of Colonel Hamilton, at one time, eleven hundred dollars. Reynolds himself said that Colonel Hamilton had made thirty thousand dollars by speculation, and had supplied him with money to speculate.

Clingham reported, that after Reynolds was discharged, which was about eight or nine o'clock in the evening, he (Reynolds) sent a letter about twelve o'clock at night to Colonel Hamilton by a girl, whom Reynolds followed to the door. When the girl returned, he informed Clingham that he need not go out of town that night, but would call upon Colonel Hamilton next morning.

These are the general particulars respecting this intricate correspondence, contained in the reports of Messrs. Muhlenberg, Monroe and Venable, which were made public by Mr. Callender in the year 1796.

Mr. Hamilton immediately came forward with his defence,

or rather a confession of a crime, even of a more heinous complexion than a pecuniary speculation.*

The next important incident in the history of Mr. Hamilton, is his defence of the British treaty. He appointed a day to meet its opponents, and convince them by argument of the benefits arising to the United States from the articles it contained.

No place is more unfit for a display of logical reason than the assembly of a tumultuous mob. The rhetoric of Mr. Hamilton was soon overpowered by hisses and shouts of reproach. When he was thus prevented from advocating its cause by the force of oratory, he had recourse to the eloquence of his pen, and published a series of letters under the signature of Camillus, in defence of the British treaty.

These letters, though the sentiments they contain are inimical to the interest of this country, ought, notwithstanding, to be held in the highest veneration, by every lover of literature. The correct style of language which they exhibit will be long a model of perfection to Americans; and without laying claim to the gift of prophecy, I may safely assert, that the pages of Camillus will be read when the British treaty and the name of Governor Jay will be otherwise buried in oblivion.

Mr. Hamilton has been severely censured, and perhaps with justice, as being the author of the funding system, the promoter of the snuff excise law, that passed the 5th of June, 1794, and the cause of the war of 1790 with the North-western Indians.

Mr. Hamilton was, in 1798, appointed inspector-general and commander-in-chief next to Washington, of the army of the United States. This promotion the merits of Mr. Hamilton certainly deserved. His abilities in this respect dare not be doubted—and if ever it should be the misfortune of America to be involved in a war, while Mr. Hamilton lives, it would be both imprudent and unjust, were he deprived of a principal command.

The literary fame of General Washington is said to have been raised on the talents of Alexander Hamilton; and report even whispers, that Hamilton himself claims the merit of Washington's letters, and that he has boasted of receiving

* As the defence referred to has been published, it is not necessary at this time to republish it in this volume.—EDITOR.

letters from General Washington, with the word *private* wrote on the back of them, and a cross drawn over the seal. After opening such a parcel, the contents were, "*Dear Hamilton, put this into style for me,*" prefixed to some speech or letter enclosed. The letters of Washington are, however, much inferior to those of Hamilton, and differ remarkably in point of style. Most probably they no more received the nice correction of Hamilton, than the lectures of Sir Joshua Reynolds did the finishing strokes of Edmund Burke.

Such are the general outlines of the life and character of Alexander Hamilton. As a soldier and scholar, he has rendered most eminent services to the United States, but as a political character, he has been the greatest misfortune.

Note.—On the public character and conduct of Mr. Adams, the Editor will refer the reader to Mr. Hamilton's letter, published in 1800, prior to the election of President and Vice-President which took place in December of that year, in which Mr. Adams is deeply censured.

CHAPTER XIII.

Meeting of the sixth Congress—President's Speech—Death of General Washington—Proceedings of Congress—John Randolph insulted at the Theatre of Philadelphia—Acts passed by Congress.

On Monday, the 2d of December, both houses of the sixth Congress met in their first session.

Mr. Sedgwick was chosen speaker, and on the 3d of December the President delivered the following speech:

"*Gentlemen of the Senate, and*
"*Gentlemen of the House of Representatives,*

"It is with peculiar satisfaction that I meet the sixth Congress of the United States of America. Coming from all parts of the union at this critical and interesting period, the members must be fully possessed of the sentiments and wishes of our constituents.

"The flattering prospects of abundance from the labours of the people by land and by sea; the prosperity of our extended commerce, notwithstanding interruptions occasioned by

the belligerent state of a great part of the world; the return of health, industry, and trade to those cities which have been lately afflicted with disease, and the various and inestimable advantages, civil and religious, which, secured under our happy frame of government, are continued to us unimpaired, demand of the whole American people sincere thanks to a benevolent Deity for the merciful dispensations of his Providence. But while these numerous blessings are recollected, it is a painful duty to advert to the ungrateful return which has been made for them, by some of the people in certain counties of Pennsylvania, who were seduced by the arts and misrepresentations of designing men: they have openly resisted the law directing the valuation of houses and lands. Such defiance was given to the civil authority as rendered hopeless all further attempts by judicial process to enforce the execution of the law; and it became necessary to direct a military force to be employed consisting of some companies of regular troops, volunteers, and militia, by whose zeal and activity, in co-operation with the judicial power, order and submission were restored, and many of the offenders arrested. Of these, some have been convicted of misdemeanours, and others, charged with various crimes, remain to be tried.

"To give due effect to the civil administration of government, and to insure a just execution of the laws, a revision and amendment of the judiciary system is indispensably necessary. In this extensive country, it cannot but happen that numerous questions respecting the interpretation of the laws, and the rights and duties of officers and citizens must arise. On the one hand the laws should be executed; on the other, individuals should be guarded from oppression. Neither of these objects is sufficiently assured under the present organization of the judicial department: I therefore earnestly recommend the subject to your serious consideration.

"Persevering in the pacific and humane policy which had been invariably professed, and sincerely pursued by the executive authority of the United States, when indications were made on the part of the French Republic, of a disposition to accommodate the existing differences between the two countries, I felt it to be my duty, to prepare for meeting their advances by a nomination of ministers upon certain conditions which the honour of our country dictated, and which its moderation had given it a right to prescribe. The assurances which were

required of the French government previous to the departure of our envoys, have been given through their minister of foreign relations; and I have directed them to proceed on their mission to Paris—they have full power to conclude a treaty, subject to the constitutional advice and consent of the Senate. The characters of these gentlemen are sure pledges to their country, that nothing incompatible with its honour or interest, nothing incompatible with our obligations of good faith or friendship to any other nation, will be stipulated.

"It appearing probable, from the information I received, that our commercial intercourse with some ports in the island of St. Domingo, might safely be renewed, I took such steps as seemed to me expedient to ascertain that point: the result being satisfactory, I then, in conformity to the act of Congress on the subject, directed the restraints and prohibitions of that intercourse to be discontinued, on terms which were made known by proclamation. Since the renewal of this intercourse, our citizens, trading in those ports with their property, have been duly respected, and privateering from those ports has ceased.

"In examining the claims of British subjects by the commissioners at Philadelphia, under the sixth article of the treaty of amity, commerce, and navigation with Great Britain, a difference of opinion on points deemed essential in the interpretation of that article, has arisen between the commissioners appointed by the United States and the other members of that board, from which the former have thought it their duty to withdraw. It is sincerely to be regretted that the execution of an article produced by a mutual spirit of amity and justice, should have been thus unavoidably interrupted—it is, however, confidently expected, that the same spirit of amity, and the same sense of justice in which it originated, will lead to satisfactory explanations. In consequence of the obstacles to the progress of the commission in Philadelphia, his Britannic Majesty has directed the commissioners appointed by him, under the seventh article of the treaty relating to British captures of American vessels, to withdraw from the board sitting in London, but with the express declaration of his determination to fulfil with punctuality and good faith, the engagements which his majesty has contracted by his treaty with the United States, and that they will be instructed to resume their transactions, whenever the obstacles which impede the progress of the commission at Philadelphia shall be removed.

"It being in like manner, my sincere determination, so far as the same depends on me, with that equal punctuality and good faith, the engagement contracted by the United States in their treaties with his Britannic Majesty, shall be fulfilled, I shall immediately instruct our minister at London, to endeavour to obtain the explanations necessary to a just performance of those engagements on the part of the United States—with such dispositions on both sides I cannot entertain a doubt that all difficulties will soon be removed, and that the two boards will then proceed and bring the business committed to them respectively to a satisfactory conclusion.

"The act of Congress relative to the seat of the government of the United States, requiring that on the first Monday of December next, it should be transferred from Philadelphia to the district chosen for its permanent seat; it is proper for me to inform you, that the commissioners appointed to provide suitable buildings for the accommodation of Congress and the President, and for the public officers of the government, have made a report of the state of the buildings designed for these purposes in the city of Washington, from which they conclude, that the removal of the seat of government to that place at the time required will be practicable, and the accommodation satisfactory. Their report will be laid before you.

"*Gentlemen of the House of Representatives.*

"I shall direct the estimates of the appropriations necessary for the service of the ensuing year, together with an account of the revenue and expenditure to be laid before you. During a period in which a great portion of the civilized world has been involved in war, unusually calamitous and destructive, it was not to be expected that the United States could be exempted from extraordinary burdens.

"Although the period is not arrived when the measures adopted to secure our country against foreign attack, can be renounced; yet it is alike necessary to the honour of the government, and the satisfaction of the community, that an exact economy should be maintained. I invite you, gentlemen, to investigate the different branches of the public expenditure—the examination will lead to beneficial retrenchments, or produce a conviction of the wisdom of the measure to which the expenditure relates.

"*Gentlemen of the Senate, and*

"*Gentlemen of the House of Representatives.*

"At a period like the present, when momentous changes are occurring, and every hour is preparing new and great events in the political world—when a spirit of war is prevalent in almost every nation with whose affairs the interests of the United States have any connection; unsafe and precarious would be our situation, were we to neglect the means of maintaining our just rights. The result of the mission to France is uncertain; but however it may terminate, a steady perseverance in a system of national defence, commensurate with our resources and the situation of our country, is an obvious dictate of wisdom. For remotely as we are placed from the belligerent nations, and desirous as we are by doing justice to all to avoid offence to any, nothing short of the power of repelling aggressions will secure our country a rational prospect of escaping the calamities of war or national degradation. As to myself, it is my anxious desire so to execute the trust reposed in me, as to render the people of the United States prosperous and happy. I rely with entire confidence on your co-operation in objects equally your care, and that our mutual labours will serve to increase and confirm union among our fellow-citizens, and an unshaken attachment to our government."

On the motion of Mr. Bayard, the President's speech was referred to a committee of the whole house, on the state of the union. On Monday the 9th of December, both houses of Congress waited separately upon the President with their respective addresses.

On Wednesday the 11th of December, Mr. Harper, by the direction of the committee of ways and means, brought in a bill to amend the act, entitled, "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States," which was granted.

Monday, December 16, Mr. H. Lee moved, that a committee be appointed to report whether any, and if any, what alterations were necessary to be made in the militia law of the United States.

In prefacing his motion, General Lee said "he wished to call the attention of the house to a subject highly interesting to the citizens of the United States, and deserving the serious attention of its legislature. He thought the system

heretofore pursued was radically wrong, and viewed every measure which was not predicated on the wishes of the people, as answering but little effect. He wished to see that system of defence which, growing out of nature, should enable all men to serve without injuring their families—the youth of our country should alone be called upon, who would be found sufficiently adequate for its defence. Seventeen and twenty-six, were the ages of which the defenders of our country should consist. When father and son are arrayed in the same ranks, a wavering must take place, and present an opportunity for an impression from the enemy."

During the same sitting, a report was made by the commissioners of the sinking fund, inclosing a report to them from the secretary of the treasury, and sundry official statements of the accounting officers of the treasury department, relative to the measures which had been authorized by the commissioners, for purchasing the public debt subsequent to their report of the 15th December, 1798.

By the secretary's report, it appeared that the sum of 1,034,938-2 dollars had been applied towards the discharge of the principal debt of the United States.

On Wednesday, the 18th of December, Congress received the afflicting intelligence of the death of General Washington.

General Marshall came into the House of Representatives, after the journal was read, apparently much agitated, and addressed the speaker in the following words:

"Information, sir, has just been received, that our illustrious fellow-citizen, the Commander-in-chief of the American army, and the late President of the United States, is no more."

The House of Representatives, as well as the Senate, in consequence of a national calamity so heavy and distressing, immediately adjourned.

Some account of this great and virtuous soldier may, perhaps, be here expected; but this is a task of too important a nature to be discussed in the trifling compass of a few pages. The life of Washington is a subject which ought not to be polluted by a transient sketch, or connected with the vices of corrupted administration. Whatever might be the errors which the weakness of age induced Washington to commit in the latter period of life, his former actions ought to screen them from the virulence of calumny, and protect his memory from

the reproach of party spirit. A certain republican writer has indulged too freely in the abuse of this great patriot. Perhaps even the compiler of this volume may be censured for the same reason; but whenever any unwarranted expressions are dropped, they ought to be regarded as the effect of a survey of his politics abstracted from the man. When we separate the latter from the former, we view only a monument of virtue and wisdom; but when we blend them together, we are forced to regret the tarnish and incrustation of prejudice, which time had inflicted.

The House of Representatives, at their next meeting, exhibited a pleasing, though mournful evidence of the respect which was felt for the character of General Washington. The speaker's chair and table, and the tables on each side, were entirely shrouded in black; the casement in the rear of the speaker's chair, and the recess, were also elegantly ornamented with mourning; the prints presented to the house by Mr. Trumbull, the historical painter, were overhung with curtains of black. Between these, and in the centre of the house, a striking likeness of the illustrious Hero was added, which acted as a feeling index of the weeping emblems that surrounded it.

On January the 2d, a petition was presented to the House of Representatives, by Mr. Waln, from the free blacks of the city and county of Philadelphia, praying for a revision of the laws of the United States, relative to the slave trade; of the act relative to fugitives from justice, and for the adoption of such measures as should in due time emancipate the whole of their brethren from their disagreeable situation.

Mr. Rutledge opposed the petition with the abusive insolence so natural to this southern legislator. "The gentlemen who formerly (said Rutledge) used to advocate liberty, have retreated from their post and committed the important trust to the care of *black patriots;* they tell the house they are in slavery—*thank God they are. They say they are not represented—certainly they are not; and I trust the day will never arrive when the Congress of the United States will display a party-coloured assembly. Too much of this new-fangled French philosophy of liberty and equality has found its way among these gentlemen of our plantations, for which nothing will do but liberty.*"

Harrison G. Otis brought forward his usual eloquence on

this occasion. He said that though he possessed no slaves he saw no reason why others might not, and that the proprietors of them were the fittest persons, and not Congress, to regulate that species of property.

Mr. Thatcher, to the surprise of many, differed from his countryman; and thought the petitions of black men deserved equal consideration with those of whites.

Mr. Brown of Rhode Island, argued that the petition was not the production of the negroes, but the contrivance of a combination of jacobins, who had troubled Congress for many years past, and he feared never would cease. He begged, therefore, that the gentleman who put the petition on the table, might be desired to take it back again. He was truly sorry to see such a dangerous paper supported by such a worthy member of the house and good federalist as Mr. Thatcher.

Messrs. Gallatin, Smilie, Dana, Bird, and Edmond, supported the motion; but when the yeas and nays were agreed to be taken, Mr. Waln withdrew his motion and substituted another; which went to say, that certain parts of the petition should be reserved, so as to obviate the most particular objection urged against a reference.

A resolution by Mr. Nicholas, for reducing the army establishment, was taken into consideration upon the 10th of January, but negatived, there being thirty-nine in favour of it, and fifty-nine against it.

The debates upon this resolution gave rise to an affair which reflected considerable disgrace both upon the President and the military of the United States, viz: the unwarrantable assault upon Mr. John Randolph, a representative from the State of Virginia.

Mr. Randolph had in the course of his speech on that occasion, unfortunately used the term *Raggamuffins*, in speaking of the army. A phrase so degrading was certainly improper, but Mr. Randolph had been warmed by debate, and the conduct of Truxtun, the panegyrist of Sterret, was fresh in his memory. At any rate Mr. Randolph was protected by an express clause of the constitution, however insulting his censures on the conduct of the army or navy officers might appear.

On the evening of the 10th of January, Mr. Randolph went to the theatre in Philadelphia. During the representation,

one Captain M'Knight and a Lieutenant Reynolds, of the marines, took frequent opportunities of peeping into the box where Mr. Randolph was, and of whispering to each other. At length they entered into it, and repeated several times in an elevated tone of voice, the word raggamuffins; with some other expressions which could not be mistaken. Mr. Randolph took not the smallest notice of their rudeness. Reynolds, in order to provoke a quarrel, leaped upon the seat where he was sitting; and though the seat was crowded, squeezed himself into it close to Randolph's side. The latter made as much room as possible for the marine bravado, who, perceiving his attempts were in vain, rose and came away. Captain M'Knight then came forward, and acted over the same scene of disgusting rudeness; another officer of the name of Taylor, who also bore the rank of captain, performed the part of prompter, but had not the effrontery to take part in the assault himself.

At the close of the performance, when Mr. Randolph was coming down the stair-case, one of the officers came behind and pulled him backwards by the neck of his coat, while the other two severely jostled him, but Mr. Randolph having quickly extricated himself, all the three scampered off. No farther disturbance took place.

Next day Mr. Randolph addressed the following letter to the President:

"Sir,—Known to you only as holding, in common with yourself, the honourable station of servant to the same sovereign people, and disclaiming all pretensions to make to you any application which, in the general estimation of men, requires the preface of apology, I shall without the circumlocution of compliment, proceed to state the cause which induces this address.

"For words of a general nature uttered on the floor of the house, and addressed in my official capacity to the chairman of the committee of the whole, and urged with a view to effect the reduction of a military establishment, I have been grossly and publicly insulted by two officers of the army, (or navy, I know not which,) with evident intention to provoke me to a conduct which, in some sort, might justify the hostile designs which they manifestly entertained towards me, and from the execution of which I believe they were only

deterred by the presence of several of my friends, (members of this house), who felt themselves implicated in an insult which, although more particularly offered to one, was certainly levelled at all.

"I am acquainted with the name of one only of these unfortunate young men, who appear to have made so false an estimate of true dignity of character; who seem to have mistaken brutality for spirit, and an armed combination against an individual, for an indication of courage.

"He was called, I think, M'Knight—rank unknown, and, to my best recollection, of the navy. Mr. Christie, a member of this house, appeared to know him; and that gentleman, with Captain Campbell Smith, who, as I understood, endeavoured to deter those rash youths from their scheme, and whose conduct would evince, if indeed there were any need of proof, that the character of the man and the citizen is not incompatible with the profession of the soldier, can give an account of the various instances of misconduct which were exhibited by the same parties. Mr. Van Renssalaer, the Lieutenant-Governor of New York, Mr. Nicholas, Mr. Glen, and Mr. Macon, of the House of Representatives, were likewise present at the transactions.

"Having stated the fact, it would be derogatory to your character, sir, for me to point out the remedy which it is your province to provide, nor shall I descend from the respect which I owe myself to declare what are not the considerations which govern my conduct on this occasion; so far as they relate to this application addressed to you in a public capacity, they can only be supposed by you to be of a public nature; and it is enough for me to state that the independence of the legislature has been attacked, the majesty of the people, of which you are the principal representative, insulted, and your authority contemned. In their name I demand that a provision commensurate with the evil be made, and which will be calculated to deter others from any future attempt to introduce the reign of terror into our country. In addressing you in the plain language of man, I give you, sir, the best proof that I can afford, of the estimation in which I hold your office, and your understanding; and I assure you with truth, that I am, with respect, your fellow-citizen,

"JOHN RANDOLPH, Jun.

"To the President of the United States."

Mr. Adams, upon receiving the above, enclosed it with the following message to the House of Representatives:

"*Gentlemen of the House of Representatives,*

"As the enclosed letter, from a member of your house, received by me in the night of Saturday the 11th instant, relates to the privileges of the house, which, in my opinion, ought to be inquired into in the house itself, if anywhere, I have thought proper to submit the whole letter, and its tendencies, to your consideration, without any other comments on its matter or style.

"But as no gross impropriety of conduct, on the part of persons holding commissions in the army or navy of the United States, ought to pass without due animadversion, I have directed the Secretary of War, and the Secretary of the Navy, to investigate the conduct complained of, and to report to me, without delay, such a statement of facts as will enable me to decide on the course, which duty and justice shall appear to prescribe. JOHN ADAMS.

"United States, 4th Jan. 1800."

Mr. Kittera moved, when the message was received, that it, and the letter accompanying it, be referred to a select committee.

Mr. Randolph hoped it would not. It was far from his expectations, he said, when he addressed the letter now before the house, to the President, that it would have been made the subject of a communication. Had he thought the house could have remedied the abuse complained of, he would have entered his complaint here; but he did not conceive it within their jurisdiction; and he was opposed to it as being a bad precedent, which might, at some future period, be prostituted to purposes injurious to the country. The power of the commander-in-chief of the army, in his opinion, was sufficient to afford a remedy, and to restrain men under his command from giving personal abuse and insult; and he, therefore, disclaimed any wish that the house should take measures for his protection.

The voice of the house appeared to be unanimous for the commitment, and several members expressed an opinion, that the President, in submitting the subject to the house, had acted judiciously, it being a question on which he could not, dare not decide—it was a constitutional prerogative vested in

that house alone, and that house, after having a statement of facts, were to be the sole judges of them. The wish of the complainant to suspend inquiry, ought not to have any weight; for if a member was to be insulted for language made use of in debate, there was an end to all legislation, and they might as well return to their homes at once.

The question for commitment was put and carried, and Mr. C. Goodrich, Mr. Macon, Mr. Kittera, Mr. Sewall, Mr. Robert Williams, and Mr. Bayard were appointed.

This committee, upon a review of the evidence produced before them, found that sufficient cause did not appear for the interposition of the house, on the grounds of a breach of privilege.

Thus was a most unwarranted insult offered to a representative, passed over with impunity. The conduct of Mr. Adams on this occasion was highly censurable. In him properly was vested the power of checking the arrogant insolence of military puppies, who dare to assume, in a free country, that authority which is only suffered in the dominions of despotism.

No cause has tended more to reflect disgrace on the profession of arms, than the modern practice of investing with command a beardless boy, without either education or experience, and whose only pursuits in life have been passed in the bed-chamber of an indulgent mother. This practice is more prevalent in Britain than in any country of Europe. One-half of the officers who command the armies of George, are drawn at the age of twelve and thirteen, from the mountains of Caledonia, ignorant of every art in life, but that of procuring the food which their barren valleys afford, and of paying an implicit obedience to a tyrant chieftain, equally destitute of understanding as the soil which gave him birth.

Among many other absurd usages, this is one which America has borrowed from her mother country; for of all the classes of citizens in the United States, the officers of the navy appear in general to be most removed from the state of science and literature. I make not this remark to detract from their bravery. This qualification they certainly possess in an equal degree with any nation of the world; but it ought to be remembered, that courage, though an essential, constitutes but a small part of the requisite education of a modern soldier. In a republic, in particular, the study of military and naval

tactics ought to be cultivated with the greatest zeal, and the morals of the young soldier guarded with the strict eye of virtue and religion. No man is to be so much respected as the soldier who understands his profession, defends the rights of his country, and adores his Creator; while no miscreant ought to be held in such contempt as the liveried bravado, who knows neither the respect due to his country nor to his God.

Both houses of Congress rose upon the 4th of May, after passing the following acts:

1. An act for reviving and continuing suits and proceedings in the circuit court for the district of Pennsylvania.

2. An act extending the privilege of franking to William Henry Harrison, the delegate from the Territory of the United States, north-west of the Ohio, and making provision for his compensation.

3. An act supplementary to the act, entitled "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves, within the United States."

4. An act for the relief of persons imprisoned for debt.

5. An act for the preservation of peace with the Indian tribes.

6. An act to repeal part of an act, entitled, "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned, and to continue in force the residue of the same."

7. An act for the relief of John Vaughan.

8. An act giving further time to the holders of military warrants, to register and locate the same.

9. An act to suspend in part an act, entitled, "An act to augment the army of the United States, and for other purposes."

10. An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof.

11. An act for the relief of James Yard.

12. An act providing for the second census, or enumeration of the inhabitants of the United States.

13. An act in addition to the act, entitled, "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren, for propagating the gospel among the heathen."

14. An act to provide for salvage in cases of recapture.

15. An act declaring the assent of Congress to certain acts of the states of Maryland and Georgia.

16. An act to alter the times of holding the district court in North Carolina.

17. An act for the relief of Campbell Smith.

18. An act to extend the privilege of franking letters and packages to Martha Washington.

19. An act to establish an universal system of bankruptcy throughout the United States.

20. An act to discharge Robert Sturgeon from his imprisonment.

21. An act to allow a drawback of duties on goods exported to New Orleans, and thereby to amend the act, entitled, "An act to regulate the collection of duties on imposts and tonnage."

22. An act to continue in force "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," and for other purposes as therein mentioned.

23. An act to alter the form of certain oaths and affirmations, directed to be taken by the act, entitled, "An act providing for the second census, or enumeration of the inhabitants of the United States."

24. An act for the relief of the corporation of Rhode Island College.

25. An act to extend the privilege of obtaining patents for useful discoveries and inventions, to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees.

26. An act to fix the compensation of the paymaster-general, and assistants to the adjutant-general.

27. An act to continue in force the act, entitled, "An act to authorize the defence of the merchant vessels of the United States, against French depredations."

28. An act to continue in force, for a limited time, an act, entitled, "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses."

29. An act fixing the rank and pay of the commanding officer of the corps of marines.

30. An act supplementary to the act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

31. An act to establish a general stamp-office.

32. An act to alter and to establish sundry post roads.

33. An act for the better government of the navy of the United States.

34. An act respecting the mint.

35. An act to continue in force the act, in addition to the act for the punishment of certain crimes against the United States.

36. An act to repeal the act laying duties on mills and implements employed in the manufacture of snuff.

37. An act to make further provision for the removal and accommodation of the government of the United States.

38. An act to authorize the President of the United States to accept for the United States, a cession of jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut.

39. An act to provide for rebuilding the light-house at New London; for the support of a light-house at Clark's Point; for the erection and support of a light-house at Wigwam Point; and for other purposes.

40. An act supplementary to the laws now in force, fixing the compensation of the officers of the Senate and House of Representatives.

41. An act to divide the territory of the United States north-west of the Ohio, into two separate governments.

42. An act to enable the President of the United States to borrow money for the public service.

43. An act to continue in force an act laying an additional duty on salt imported into the United States, and for other purposes.

44. An act to authorize the allowance of a credit to William Tazewell.

45. An act to authorize the sale and conveyance of lands, in certain cases, by the marshals of the United States, and to confirm former sales.

46. An act for the regulation of the public arsenals and magazines.

47. An act making appropriation for the support of government, for the year one thousand eight hundred.

48. An act making appropriations for the military establishment of the United States, for the year one thousand eight hundred.

49. An act to establish the district of Kennebunk, and to annex Lyme to New London, to alter the district of Bermuda Hundred and City Point, and further to amend the act regulating the collection of duties on imports and tonnage.

50. An act supplemental to the act, entitled, "An act for an amicable settlement of limits with the state of Georgia, and authorizing the establishment of a government in the Mississippi territory."

51. An act in addition to the act, entitled, "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country."

52. An act for the relief of Ithamar Canfield.

53. An act to provide for equalizing the valuation of unseated lands.

54. An act supplementary to an act, entitled, "An act to establish the compensation of the officers employed in the collection of the duties on impost and tonnage."

55. An act to amend an act, entitled, "An act for the sale of the lands of the United States in the territory north-west of the river Ohio, and above the mouth of Kentucky river."

56. An act to make appropriations for the navy of the United States during the year 1800.

57. An act to ascertain the compensation of public ministers.

58. An act supplementary to the act, entitled, "An act to establish the treasury department."

59. An act to authorize the issuing of certain patents.

60. An act directing the payment of a detachment of the militia under the command of Major Thomas Johnson, in the year 1794.

61. An act to retain a further sum on drawbacks for the expenses incident to the allowances and payment thereof, and in lieu of stamp duties on debentures.

62. An act to make provision relative to rations for Indians, and for their visits to the seat of government.

63. An act to authorize certain expenditures, and to make certain additional appropriations for the year 1800.

64. An act to lay additional duties on certain articles imported.

65. An act enlarging the powers of surveyors of the revenue.

66. An act to appropriate a certain sum of money to defray the expenses of holding a treaty or treaties with the Indians.

67. An act to make further provisions for the children of Colonel John Harding and Major Alexander Trueman, deceased.

68. An act supplementary to the act establishing the mint, and regulating the coins of the United States.

69. An act supplementary to the act to suspend part of an act, entitled, "An act to augment the army of the United States," and for other purposes.

CHAPTER XIV.

Remarks on the Constitution of Connecticut—Trials of Cooper, Fries, Callender, and Holt—General Observations.

Of those states which were the abettors of John Adams and his party, and the opposers of the rights of American citizens, none, not even Massachusetts, the cradle of aristocracy, made such a conspicuous figure as the small state of Connecticut. This naturally excites our wonder and astonishment, as the inhabitants of this state are principally employed in the peaceful occupation of husbandry. But the surprise of the reader will vanish when he is informed that in no part of the world the bigotry of priesthood reigns so triumphant, or that the dark shades of superstition no where cloud the understanding of man in such a degree, as among the unhappy natives of Connecticut.

This State has not formed any constitution since the revolution, but ancient superstition and the prejudice of custom have established an hierarchy, which is directed by a sovereign pontiff, twelve cardinals, a civil council of nine, and about four hundred parochial bishops.

The present priest, who may be honoured with the appellation of Pope, is Timothy Dwight, President of Yale college.

The corporation of this college, which seems to be the main spring and vital part of the State government, is composed of the President, twelve clergymen, and seven senior members of the first branch of the State Legislature. The clerical part are all denominated *Congregationalists*, which is the prevailing and principal religious order in Connecticut.

The Legislature sits twice each year. The representative branch is chosen for each session; the other branch and chief officers of government, are chosen annually. The people qualified to vote in elections, assemble in their several districts in the month of September, annually, and elect their representatives; they also vote for a certain number of persons who are to be candidates, or to stand in nomination for election into the first branch of the Legislature at the next annual election. In April, the people qualified to vote, assemble again, choose their representatives, vote for governor, lieutenant governor, and some other officers of government for the year ensuing; and also from the list or nomination made at the preceding meeting in September, they at that time elect the persons who are to compose the first branch of the Legislature. In May the Legislature convene, when the votes for governor, &c. are canvassed, and the result of the election proclaimed. This is called the general election. The representatives in Congress are elected from a previous nomination, made once in two years, in the form already mentioned.

The annual commencement at Yale college takes place in September, a short time previous to the election of the Legislature. At this time the president is attended by his twelve cardinal members of the corporation, the governor, lieutenant governor, and seven other senior members of the first legislative house (which compose the lay part) and the greatest part of the clergy. On this occasion, the governor and other civilians are subordinate to the president, and they feel deeply impressed with a sense of their subordination, knowing that he can kill or make alive at the next annual election; that he emphatically holds the keys which command their political damnation or salvation.

The Pope, being thus surrounded by his cardinals, his civil councils and his parochial bishops, determines the order and detail of the ensuing election. Each one returns home with a perfect understanding of the part he is to act. The clergy apply themselves to such persons in their respective parishes

as can most effectually influence the representatives in Congress; and the members of the first legislative branch being chosen from the State at large, and not from particular election districts, the people can have but little personal knowledge of the candidates, and must necessarily act through information received from others. The parochial bishop claims to know who are the fittest and best men to be entrusted with the public concerns of the nation—all who are of a different religious denomination from himself, or who deny or doubt the Pope's supremacy, or infallibility, are denounced as anti-christian, anti-federal, jacobinical, disorganizing scoundrels. The Sunday previous to the day on which the people meet to deliver in their suffrages, is devoted to political harangues from the political desk. On these occasions, in the heat of political zeal, the preacher will name the individuals who are to receive or be excluded from popular approbation, and with a holy fervour, instruct the people of his charge how they are to bestow their suffrages, threatening divine vengeance on all who disregard his pious admonitions.

The influence which has been described does not stop at this point. The newspapers which circulate in every parish, village, or neighbourhood, are either patronized or discountenanced by the clergyman, according as they promote or oppose his designs—his efforts are seconded by all persons seeking offices by clerical aid, or who hold any offices under that species of influence. Hence the editors of newspapers in Connecticut, are compelled to take the current, and the press is employed to destroy or bring into contempt those republican principles and sentiments, which led Americans through the revolutionary war, and secured the independence of their country.

The characters of the governor, lieutenant-governor, and most of the legislators in Connecticut, are highly federal.*

Mr. Trumbull, the governor, is possessed of principles that even border upon monarchy—like Mr. Adams, he approves of the British Constitution as the most rational and stable of political governments.

Mr. John Treadwell, the lieutenant-governor, in his public

* For the characters of the Legislators of Connecticut, the reader is indebted to a writer in the Aurora of April last, upon whose information he may place reliance.

conduct, has never evinced talents of a superior order. As a scholar, he has small claims to distinction. As a judge of a country court, he does not understand even the terms which the lawyers make use of in addressing him. As a politician, he is familiar with the intrigues and cabals which have existed in Connecticut since he has had a share in her councils, but his views extend no further. He is unacquainted with the various systems of policy, which have been adopted by different nations at successive periods of time, and he knows nothing of the great principles of legislation.

His conduct, since he came into office, has, on many occasions, evinced a dark destitution of principle, and, though he makes great professions of Christian piety, he has not scrupled to use his utmost exertion to injure the reputation of any one whose station or talents impeded his elevation. His conduct towards Mr. Lawrence, formerly the treasurer of the state, displays the real character of the man. Treadwell, anxious to remove that gentleman from office, to make place for one whom it was his interest to promote, by artful insinuations and false representations, induced the council to believe that there had been misconduct in office, and caused the treasurer to be removed. But even this did not satisfy him, for he commenced a prosecution at law, where, at a solemn trial before the Supreme Court, it was proved, beyond the possibility of a doubt, that the treasurer had conducted himself with singular fidelity and ability, and his reputation was vindicated to the satisfaction of a court and jury. But this did not avail; for his office had been given to another, and he found at last that there was no refuge from the persecution of his antagonist but in the grave.

Mr. Treadwell's elevation has been effected rather by what was deemed an attachment to the Hopkintonian system of divinity, than by any conformity to the principles of the Christian. He is austere in his deportment; his opinions upon any subject are cautiously reserved, until he is informed of those of his companions; the distresses of his fellow-mortals excite no emotion of pity or compassion in his breast, and his hand is not open for the relief of the poor and indigent. The flames of his passion are never known to burst suddenly forth, but remain stifled within, until the fit moment of revenge arrives, and he obtains his antagonist within his power; he then works his mischief with composure. The arts of dissimula-

tion have become so familiar to him, that they influence his conduct in all the transactions of life; he knows not how to appreciate the virtues and talents of others, and is not heard to acknowledge them when not exerted for the promotion of his interest. He considers himself as the first and best of God's creatures; that he is above all, and that he was made to direct and govern all.

Among the leading characters in the upper house, are Thomas Grosvenor, Thomas Seymour, Aaron Austin, and David Dagget.

Grosvenor was brought into place, like many others in the same house, no one knows why, and has been retained, because he has taken good care to have his name put on the nomination list. His talents and virtues have never been manifested, except by his exertions to destroy the ecclesiastical society in the town to which he belongs. But his views not being answered, he commenced an action at law against the society, which terminated in the defeat and disgrace of himself and his partisans. He is scarcely known except in his own town, and there he is considered to be destitute of sound principles, and can obtain no votes for any office. But his name is always put on the list, by agreement, and he receives the votes of hundreds, who never knew him, saw him, or even heard of him.

Seymour was educated for the profession of the law, and by the influence of great family connections, obtained a large share of business, though he never enjoyed the reputation of being a great lawyer. A few years since he was honoured with a seat on the bench of a country court, and with a place at the council board. From that moment his character has languished and gradually declined. As to principles and sentiments, he has displayed none of his own, for he uniformly agrees with every person he meets, however different their opinions. No system of measures is ever proposed, but it receives his support or opposition, according to its tendency to increase or diminish his popularity. He has on some occasions, as a magistrate, appeared very much disposed to a strict execution of the laws; but these instances were so different from the general tenor of his conduct, that his best friends laughed, and attributed to a sportive sally, what from a consistent man, would have appeared an act of serious duty.

Sometimes he has pretended to be a firm friend to the liber-

ties of the people, and at other times he has avowed himself the undaunted supporter of Hamilton's energetic government. But he has been so long labouring and always unable to discover which party would ultimately obtain the ascendency, and he has shifted his ground so frequently, that neither party will own him; therefore, whichever succeeds, as they can derive no credit from his talents, will, it is presumed, dispense with his services.

Aaron Austin is distinguished by the possession of much common sense, and as the advantage of a liberal education was not afforded him, he deserves much credit for the acquisitions which he has made. His talents are not great, but his industry and attention to business, render him a much better counsellor than many of his associates.

Mr. David Dagget lays great claims to superiority of talents and virtue; but a survey of his conduct, since he came into public life, will show the grounds upon which these claims are founded.

As soon as he had initiated himself into the favour of Pierpont Edwards, by an unwearied exertion of all the arts of pleasing, he directly proceeded, with the utmost assiduity, to improve that liking into an important confidence—he watched his every action, word, and look, till he discovered the peculiar train of his mind, to which he accommodated his conduct so implicitly, that the very faculties of his soul seemed only to move by the other's will; that self-love which is inseparable from humanity, was imposed upon by such art. Mr. Edwards liked himself in him, and insensibly came to think all reserve unnecessary with one whose words and actions were wholly at his control. He used his utmost exertion to bring his pupil into notice, gave him much business in his profession, and by his influence and unceasing labour, raised him to the station which he now holds; but his establishment in the business of his profession being effected, and a seat at the council board being obtained, he immediately manifested that *self* was the centre of all his action; and, because he cannot forget the favours bestowed, he meanly seeks to destroy the patron, abuse the friend, and laugh at the obligation. As soon as he found himself so firmly established, that the exertions of his patron could do him no further good, he immediately abandoned him, and with unwearied diligence, but in a dark and covert manner, laboured for the downfall of his reputation.

His progress in life, and his elevation to the office of chancellor, has been marked by a series of numberless little artifices to delude the people. When he became a candidate to represent the town to which he belongs in the legislature, he found it would be necessary to obtain the votes of the Episcopalians, and for this purpose, though he belonged to a Presbyterian meeting, purchased a pew and frequently read prayers in the Episcopal Church. His object was answered; but being soon promoted to the council, he found this office would be more secure by his being altogether a Presbyterian; he therefore sold his pew, forgot the tenets and neglected the worship of the Church of England. While a candidate for promotion he never scrupled to visit the honest tradesman and mechanic; and, seated on the bench of the shoemaker, or the anvil of the blacksmith, would flatter each one that he was the best of the craft; and more than that, could, by the ability of his discourse and the lying of his lips, convince them that he was the people's friend, and should manage national affairs with singular skill and ability. When a representative in the legislature, he apparently manifested a strong regard for the interest of the lower classes of society. The abolition of slavery was the favourite subject of his talk, and all the powers and faculties of his mind were brought into operation to display the tender sensibilities of his nature; and so anxious was he to be distinguished for his *nice feeling* at the unfortunate situation of the blacks, that he turned biographer to a negro that was hung for a rape. Having now obtained his object, he becomes desirous of concealing that submission which he heretofore practised, by the exercise of insolence and arrogance to all whom fortune has placed in a subordinate station. The praise of him whom public delusion idolized, flowed freely from his lips, but always from the motive of increasing his own popularity rather than from a conviction of the justice of the praise.

As a public speaker, Mr. Dagget has been distinguished by these qualities: invincible assurance, inflexible obstinacy, and a talent for quibble. In a debate he mistakes pomposity for learning, confidence for genius, buffoonery for wit, and sophistry for argument. The vulgarity of his language, his low attempts at humour, and the abuse which he never fails to bestow upon witnesses, are sure indications of the meanness of his early habits and connexions, which were formed in ob-

scure and menial employments. He has, however, a very handsome share of business; and, by a quickness of thought and fluency of speech, has acquired some reputation. By a station for several years at the bar, and a tolerably retentive memory, he has become well acquainted with the practice of the courts of Connecticut, and is possessed of the most obvious principles of the common law; but his warmest admirers have never imputed to him an accurate acquaintance with the English system of jurisprudence.

As a writer, he possessed every advantage from the assistance and communication of men of sense and learning, but he has not, after all, made a figure in the fields of literature. His Pindaric oration, in which his object was to cast contempt upon many important discoveries and improvements of the present age, launched him forth as one of the most daring aristocratic adventurers on the ocean of political controversy: but the boldness of the attempt is more to be admired than the execution to be praised; and whatever defects may appear in the systems which he has attacked, he has clearly manifested that the principles upon which they are founded, are infinitely above his comprehension. It attracted the attention of the public for a few days, rather from its scurrility than its severity; but it has been since consigned to oblivion; to the same oblivion to which the three letters which he wrote some time ago to Abraham Bishop, are rapidly hastening.

From the foregoing observations it would seem, that in the early part of his public life, virtue and principle were sacrificed to fame; yet it will be observed, that among good men he still possesses an attachment to good things. The sincerity of such professions, however, cannot be relied on, when it is known, that being a magistrate, sworn to observe and enforce the laws of his country, he not unfrequently spends whole nights in a tavern, and at the gaming table.

Though from this view of the character of Mr. Dagget, it might be concluded, that he is not endowed with great and solid talents, yet his understanding would have rendered him a useful man, if he had been a real Christian—but it must be a miracle, if he, who is ambitious of power, and without the restraint of principle, is not transformed from a man to a demon. As he is, he will be remembered only to be execrated by those whose admiration is praise.

Such were the characters who swayed the political sceptre

of Connecticut; a state which may be regarded, notwithstanding its smallness, to be the most formidable in the federal league. From thence issued the most laboured and best composed defences of federalism; thence the satire which lashed republicanism and the rights of the people; and there the expiring host of aristocracy still find an asylum for their venom and malice.

On Saturday, the 19th of April, 1800, the cause of the United States against Mr. Thomas Cooper, of Northumberland, came on before the Circuit Court of the United States, sitting at Philadelphia. The attorney-general, Mr. Rawle, opened the cause, by stating the nature of the offence for which the defendant was indicted, and read the indictment, which charged the defendant, Thomas Cooper, with having printed, uttered, and published a false, scandalous, and malicious libel against the President of the United States, intending to injure the official character of the said President, and to bring on him, the said President, the hatred and contempt of the good people of the United States. The papers on which the indictment was founded, was a handbill, an address to the people of Northumberland county, stating, that under the auspices of the President, a permanent navy, a standing army, a loan of eight per cent. in time of peace, had been resolved on; that he, the President, by the violence of his official expressions, might have provoked a just war against this country; that he had projected embassies to Russia, Prussia, and the Sublime Porte; that he had interfered with the judiciary, contrary to all law, precedent, and mercy, and delivered up Jonathan Robbins, an American citizen, or native American, forcibly impressed by a British ship of war, to the mock-trial of a British court-martial, a stretch of power which the monarch of Great Britain would have shrunk from with horror.

Mr. Cooper (protesting against the insinuations and constructions in the above indictment) pleaded Not Guilty, and gave the following facts in evidence on the trial, in justification of the supposed libel:

1st. Mr. Adams, either by himself, or officers of state acting under his authority, has given the public to understand, that he would bestow no office but on persons who conformed to his political opinions.

2d. Mr. Adams has declared, that a republican government may mean anything.

3d. Mr. Adams did sanction the Alien law, and thereby the abolition of the trial by jury, in the cases that fall under that law.

4th. Mr. Adams did sanction the Sedition law, and thereby entrenched his public character behind the legal provision of that law.

5th. Under the auspices of Mr. Adams, the expense of a permanent navy is saddled on the people.

6th. Under the auspices of Mr. Adams, we are threatened with the existence of a standing army.

7th. The government of the United States has borrowed money at eight per cent. in time of peace.

8th. The unnecessary violence of official expressions used by Mr. Adams, and those in authority under him, and his adherents, might justly have provoked a war.

9th. Political acrimony has been fostered by those who call themselves his friendly adherents.

10th. Mr. Humphries, after being convicted of an assault and battery on Benjamin Franklin Bache, the printer of the Aurora, merely from political motives, was, before his sentence was expired, promoted by Mr. Adams to a public office, viz. to carry despatches to France.

11th. Mr. Adams did project and put in execution, embassies to Prussia, Russia, and the Sublime Porte.

12th. Mr. Adams, in the case of Jonathan Robbins, alias Nash, did interfere to influence the decision of a court of justice.

He then informed the court that he had applied to Mr. Rawle, the attorney of the United States for the district, to know whether he would admit the Gazette of the United States to be read in evidence; that Mr. Rawle replied, he did consider newspapers as legal testimony; and that in consequence of this reply, he had applied to Mr. Pickering, the secretary of state, for copies of certain addresses and answers, from and to the President of the United States; and to this application, Mr. Pickering replied, that these papers were not deposited in his office. The defendant observed, that he considered he had a right to copies of those papers, from the officers of the government, and read the case of *Rex* vs. *Holt*, in support of his right—and upon this he applied to the President of the

United States, for copies of the papers. He informed the court that he had made application to the President by a letter, which he read.

This letter stated, that being indicted for a supposed libel, he found it necessary to apply to the President for *official* copies of certain addresses to him, (the President) and his answers to them; and requested the President to consider his letter as a *legal written application* for copies of the papers required by him. To this letter, the defendant observed, he had received no answer; in consequence of his not receiving an answer, he purchased a volume, purporting to be addresses to the President, and his answers, published in Boston; that he sent his son with the volume to Mr. Shaw, the secretary of the President, with a note, requesting Mr. Shaw to examine the publication in the volume with the originals, and inform him if they were correct; to this Mr. Shaw made the following answer; "Mr. Shaw informs Mr. Cooper, that he will not receive any information concerning answers to addresses from this house." The defendant then observed, that he regarded this as an official answer from the President of the United States, and he did not see how he could proceed when that testimony which was necessary to his defence was withheld from him, "by the person who may be considered as his accuser or prosecutor."

Mr. Rawle opened the case by animadverting on the select passages in the indictment, and called Mr. Buyers, a justice of the peace of the country, to prove Mr. Cooper the author; who said, that Mr. Cooper had called at his house with the paper; said that it was his name, pointing to it in the paper, and that he was the author of the piece.

Mr. Cooper then addressed the jury in a speech of about three hours and a half, in which he attempted to justify the publication, by endeavouring to show that it was true in all its parts, and the conduct of the President of the United States merited the censures which were passed upon it. Mr. Cooper continued his speech until exhausted with fatigue; and the indulgence of the court, which manifested itself through the whole trial, was here conspicuous. Judge Chase declared he would patiently wait until the defendant refreshed himself, and was able to resume his defence. This very liberal proposition of the judge, the defendant declined. Mr. Rawle addressed the jury, after which Judge Chase summed up the

evidence, and the jury in about twenty minutes returned their verdict, GUILTY.

Judge Chase then addressed Mr. Cooper in the following words: "As the jury have found you guilty, we wish to hear any circumstances you have to offer in point of the mitigation of the fine the court may think proper to impose on you, and also in extenuation of your punishment. We should, therefore, wish to know your situation in life in regard to your circumstances. It will be proper for you to consider of this. As you are under recognizance, you will attend the court some time the latter end of the week."

The court met again on Wednesday, for the purpose of passing sentence, when Mr. Cooper addressed them as follows: "The court having desired me to offer any thing relating to my circumstances in mitigation of the fine, or any observations that occur to me in extenuation of the offence, I have thought it my duty, (not for the purpose of deprecating any punishment which the court may deem it proper to inflict, but) to prevent any accidental or apparent harshness of punishment on part of the court, for want of that information which it is in my power to give. For this reason, therefore, and that the court may not be misled, I think it right to say that my property in this country is moderate. That some resources I had in England, commercial failures there have lately cut off: that I depend principally on my practice: that practice imprisonment will annihilate. Be it so. I have been accustomed to make sacrifices to opinion, and I can make this. As to circstances in extenuation, not being conscious that I have set down aught in malice, I have nothing to extenuate."

Judge Chase. I have heard what you have to say. I am sorry you did not think proper to make an affidavit in regard to your circumstances; you are a perfect stranger to the court, to me at least. I do not know you personally—I know nothing of you more, than having lately heard your name mentioned in some publication. Every person knows the political disputes which have existed amongst us. It is notorious, that there are two parties in the country—you have stated this yourself—you have taken one side; we do not pretend to say that you have not a right to express your sentiments, only taking care not to injure the characters of those to whom you are opposed.

Your circumstances ought to have been disclosed on affida-

vit, that the court might have judged as to the amount of the offence; nor did we want to hurt you by this open disclosure.

Mr. Cooper. I have nothing to disclose that I am ashamed of.

Judge Chase. If we were to indulge our own ideas, there is room to suspect that in cases of this kind, where one party is against the government, gentlemen who write for that party would be indemnified against any pecuniary loss; and that the party would pay any fine which might be imposed on the person convicted. You must know, I suppose, before you make any publication of this kind, whether you were to be supported by a party or not, and whether you would not be indemnified against any pecuniary loss: if the fine were only to fall on yourself, I would consider your circumstances, but if I could believe you were supported by a party inimical to the government, and that *they* were to pay the fine, not you, I would go to the utmost extent of the power of the court. I understand you have a family, but you have not thought proper to state that to the court. From what I can gather from you, it appears, that you depend on your profession for support—we do not wish to impose so rigorous a fine as to be beyond a person's abilities to support, but the government must be secured against these malicious attacks. You say that you are not conscious of having acted from malicious motives. It may be so; saying so, we must believe you: but the jury have found otherwise. You are a gentleman of the profession, of such capacity and knowledge as to have it more in your power to mislead the ignorant. I do not want to oppress, but I will restrain, as far as I can, all such licentious attacks on the government of the country.

Mr. Cooper. I have been asked by the court whether, in case of fine being imposed on me, I should be supported by a party. Sir, I solemnly aver, that throughout my life, here and elsewhere, among all the political questions in which I have been concerned, I have never so far demeaned myself as to be a party writer. I never was in the pay, or under the support, of any party—there is no party in this or any other country, that can offer me a temptation to prostitute my pen. If there are any persons here who are acquainted with what I have published, they must feel and be satisfied that I have had higher and better motives, than a party could suggest. I have written to the best of my ability, what I have seriously

thought would conduce to the general good of mankind. The exertions of my talents, such as they are, have been unbought, and so they shall continue—they have indeed been paid for, but they have been paid for by myself, and by myself only, and sometimes dearly. The public is my debtor, and what I have paid or suffered for them, if my duty should again call upon me to write or to act, I shall again most readily submit to. I do not pretend to have no party opinions, to have no predilection for particular descriptions of men or of measures; but I do not act upon minor considerations: I belong here, as in my former country, to the great party of mankind.

With regard to any offers which may have been made to me to enable me to discharge the fine which may be imposed, I will state candidly to the court what has passed, for I wish not to conceal the truth. I have had no previous communication or promise whatever; I have since had no specific promises of money or any thing else. I wrote from my own suggestions. But many of my friends have in the expectation of a verdict against me, come forward with generous offers of pecuniary assistance. These offers I have hitherto neither accepted or rejected. If the court should impose a fine beyond my ability to pay, I shall accept them without hesitation; but if the fine be within my circumstances to discharge, I shall pay it myself. But the insinuations of the court are ill founded, and if you, sir, from misapprehension or misinformation have been tempted to make them, your mistake should be corrected.

Judge Peters. I think we have nothing to do with parties; we are only to consider the subject before us. I wish you had thought proper to make an affidavit of your property—I have nothing to do, sitting here, to inquire whether a party in whose favour you may be, or you, are to pay the fine. I shall only consider your circumstances, and impose a fine which I think adequate; we ought to avoid any oppression. It appears that you depend chiefly upon your profession for support. Imprisonment for any time would tend to increase the fine, as your family would be deprived of your professional abilities to maintain them.

Judge Chase. We will take time to consider this. Mr. Cooper, you may attend here again.

Thursday. Mr. Cooper attended, and the court sentenced him to pay a fine of four hundred dollars; to be imprisoned

for six months, and at the end of that period to find surety for his good behaviour, himself in a thousand, and two sureties in five hundred dollars each.

The second trial of John Fries was brought on at Philadelphia on the 30th of April; the former witnesses were examined, and a verdict was returned by the jury as before, finding the prisoner guilty of high treason. Judge Chase then addressed Fries in the following words:

"John Fries,—You have already been informed that you stood convicted of the treason, charged upon you by the indictment on which you have been arraigned, of levying war against the United States. You had a legal, fair, and impartial trial, with every indulgence that the law would permit. Of the whole pannel, you peremptorily challenged thirty-four, and, with truth I may say, that the jury who tried you were of your own selection and choice. Not one of them before had ever formed and delivered any opinion respecting your guilt or innocence. The verdict of the jury against you was founded on the testimony of many creditable and unexceptionable witnesses. It was apparent from the conduct of the jury, when they delivered their verdict, that if innocent they would have acquitted you with pleasure, and that they pronounced their verdict against you with great concern and reluctance, from a sense of duty to their country, and a full conviction of your guilt.

"The crime of which you have been found guilty is treason; a crime, considered in the most civilized and the most free countries in the world, as the greatest that any man can commit. It is a crime of so great a dye, and attended with such a train of fatal consequences, that it can receive no aggravation; yet the duty of my station requires that I should explain to you the nature of the crime of which you are convicted; to show the necessity of that justice, which is this day to be administered; and to awaken your mind to proper reflections and a due sense of your own condition, which I imagine you must have reflected upon during your long confinement.

"You are a native of this country. You live under a constitution or form of government framed by the people themselves; and under laws made by your representatives, faithfully executed by independent and impartial judges. Your government secures to every member of the community,

equal liberty, and equal rights; by which equality of liberty and rights, I mean that every person, without regard to wealth, rank or station, may enjoy an equal share of civil liberty, an equal protection of law, and an equal security for his person and property. You enjoyed, in common with your fellow-citizens, all these rights.

"If experience should prove that the Constitution is defective, it provides a mode to change or amend it, without any danger to public order, or any injury to social rights.

"If Congress, from inattention, error in judgment, or want of information, should pass any law in violation of the constitution, or burthensome, or oppressive to the people, a peaceable, safe, and ample remedy is provided by the constitution. The people themselves have established the mode by which such grievances are to be redressed; and no other mode can be adopted without a violation of the constitution, and of the laws. If Congress should pass a law contrary to the constitution, such a law would be void, and the courts of the United States possess complete authority, and are the only tribunal to decide, whether any law is contrary to the constitution. If Congress should pass burthensome or oppressive laws, the remedy is with their constituents, from whom they derive their existence and authority. If any law is made, repugnant to the voice of a majority of their constituents, it is in their power to make choice of persons to repeal it; but until it is repealed, it is the duty of every citizen to submit to it, and to give up his private sentiments to the public will. If a law, burthensome, or even oppressive in its nature or execution, is to be opposed by force, and obedience cannot be compelled, there must soon be an end to all government in this country. It cannot be credited by dispassionate men of any information, that Congress will intentionally make laws in violation of the constitution, contrary to their sacred trust and solemn obligation to support it. None can believe that Congress will wilfully or intentionally impose unreasonable and unjust burthens on their constituents, in which they must participate. The most ignorant man must know, that Congress can make no law, that will not affect them equally, in every respect, with their constituents. Every law that is detrimental to their constituents, must prove hurtful to themselves. From these considerations, every one may

see, that Congress can have no interest in oppressing their fellow-citizens.

"It is almost incredible, that a people living under the best and mildest government in the whole world, should not only be dissatisfied and discontented, but should break out in open resistance and opposition to its laws.

"The insurrection in 1794, in the four western counties of this state, particularly in Washington, to oppose the execution of the laws of the United States, which laid duties on stills and spirits distilled within the United States, is still fresh in memory. It originated from prejudices and misrepresentations, industriously disseminated and diffused against those laws. Persons either disaffected to our government, or wishing to aggrandize themselves, deceived and misled the ignorant and uninformed class of the people. The opposition commenced in meetings of the people, with threats against the officers, which ripened into acts of outrage against them, and were extended to private citizens. Committees were formed to systematize and inflame the spirit of opposition. Violence succeeded to violence, and the collector of Fayette county was compelled to surrender his commission and official books; the dwelling-house of the inspector (in the vicinity of Pittsburg) was attacked and burnt; and the marshal was seized, and obtained his liberty on a promise to serve no process on the west side of the Alleghany mountain. To compel submission to the laws, the government were obliged to march an army against the insurgents, and the expense was above one million one hundred thousand dollars. Of the whole number of insurgents (many hundreds) only a few were brought to trial, and of them only two were sentenced to die, (Vigol and Mitchell) and they were pardoned by the late President. Although the insurgents made no resistance to the army sent against them, yet not a few of our troops lost their lives in consequence of their great fatigue and exposure to the severity of the season.

"This great and remarkable clemency of the government had no effect upon you, and the deluded people in your neighbourhood. The rise, progress, and termination of the late insurrection, bear a strong and striking analogy to the former; and it may be remembered, that it has cost the United States eighty thousand dollars. It cannot escape observation, that the ignorant and uninformed are taught to complain of taxes which are necessary for the support of government, and

yet they permit themselves to be seduced into insurrections, which have so enormously increased the public burthens, to which their contribution can scarcely be calculated.

"When citizens combine and assemble with intent to prevent, by threats, intimidation, and violence, the execution of the laws, and they actually carry such traitorous designs into execution, they reduce the government to the alternative of prostrating the laws before the insurgents, or of taking necessary measures to compel submission. No government can hesitate. The expense, and all the consequences, therefore, are not imputable to the government, but to the insurgents—the mildness and lenity of our government are as striking on the late as on the former insurrection: of nearly one hundred and thirty persons, who might have been put on their trial for treason, only five have been prosecuted and tried for that crime.

"In the late insurrection, you, John Fries, bore a conspicuous and leading part. If you had reflected, you would have seen that your attempt was as weak as it was wicked. It was the height of folly in you to suppose that the great body of our citizens, blest in the enjoyment of a free republican government of their own choice, and of all rights, civil and religious, secure in their persons and property, and conscious that the laws are the only security for their preservation from violence, would not rise up as one man to oppose and crush so ill-founded, so unprovoked an attempt to disturb the public peace and tranquillity. If you could see in a proper light your own folly and wickedness, you ought now to bless God that your insurrection was so happily and speedily quelled by the vigilance and energy of our government, aided by the patriotism and activity of your fellow-citizens, who left their homes and business, and embodied themselves in the support of its laws.

"The annual necessary expenditures for the support of an extensive government like ours must be great, and the sum required can only be obtained by taxes or loans. In all countries the levying taxes is unpopular, and a subject of complaint. It appears to me that there was not the least pretence of complaint against, much less of opposition and violence to the law for levying taxes on dwelling-houses, and it becomes you to recollect, that the time you chose to rise up in arms to oppose the laws of our country, was when it stood in a very

critical situation with regard to France, and on the eve of a rupture with that country.

"I cannot omit to remind you of another matter worthy of your consideration. If the marshal, or any of the posse, or any of the few friends of government who were with him, had been killed by you, or any of your deluded followers, the crime of murder would have been added to the crime of treason.

"In your serious hours of reflection, you ought to consider the consequences that would have flowed from the insurrection, which you excited, encouraged, and promoted in the character of a captain of militia, whose incumbent duty it is to stand ready, whenever required, to assist and defend the government and its laws, if it had not been immediately quelled. Violence, oppression and rapine, destruction, waste and murder always attend the progress of insurrection and rebellion; the arm of the father would have been raised against the son; that of the son against the father; a brother's hand would have been stained with brother's blood; the sacred bands of friendship would have been broken, and the ties of natural affection would have been dissolved.

"The end of all punishment is example; and the enormity of your crime requires that a severe example should be made to deter others from the commission of like crimes in future. You have forfeited your life to justice. Let me therefore earnestly recommend to you, most seriously to consider your situation; to take a review of your past life, and to employ the very little time you are to continue in this world in endeavours to make your peace with that God, whose mercy is equal to his justice. I expect that you are a Christian, and as such I address you. Be assured, my guilty and unhappy fellow-citizen, that without serious repentance of all your sins, you cannot expect happiness in the world to come; and to your repentance you must add faith and hope in the merits and mediation of Jesus Christ. These are the only terms upon which pardon and forgiveness are promised to those who profess the Christian religion. Let me, therefore, again entreat you to apply every moment you have left, in contrition, sorrow, and repentance. Your day of life is almost spent, and the night of death fast approaches. Look up to the Father of mercies, and God of comfort. You have a great and an immense work to perform, and but little time in which you must finish it. There is no repentance in the grave; for after

death comes judgment; and as you die, so you must be judged. By repentance and faith, you are the object of God's mercy; but if you will not repent, and have faith and dependance upon the merits of the death of Christ, but die a hardened and impenitent sinner, you will be the object of God's justice and vengeance. If you will sincerely repent and believe, God hath pronounced his forgiveness, and there is no crime too great for his mercy and pardon.

"Although you must be strictly confined for the very short remainder of your life, yet the mild government and laws which you have endeavoured to destroy, permit you, if you please, to converse and commune with ministers of the gospel; to whose pious care and consolation, in fervent prayers and devotion, I most cordially recommend you.

"What remains for me is a very painful but a very necessary part of my duty. It is to pronounce that judgment which the law has appointed for crimes of this magnitude. The judgment of the law is, and this court doth award, 'that you be hanged by the neck until dead;' and I pray God Almighty to be merciful to your soul."

On the 28th of May, the trial of James Thomson Callender, for a libel against the President of the United States, came before the circuit court, at Richmond, in Virginia, in which Judge Chase presided. Mr. Hay, as counsel for Mr. Callender, moved the court to postpone the trial till the next term.

Judge Chase observed that it would be first proper to read the indictment.

Mr. Hay said it could not be necessary to read the indictment. In prosecutions for misdemeanours in the state courts, the defendant was not arraigned. The party accused was in court, and both he and his counsel were willing to admit, that they had been furnished with a copy of the indictment, and that they were prepared to put in their plea.

The judge, however, instantly ordered the indictment to be read, declaring if this was not done, it would be said that the traverser had not been made acquainted with the nature of his offence, and consequently could not be prepared to answer to the various charges alleged against him.

Some observations were then made by the attorney-general and Mr. Hay, respecting the mode of practice observed in the courts of this commonwealth, when by the direction of the

court, the clerk proceeded to read the indictment, to the different charges of which Mr. Callender pleaded, not guilty.

Mr. Hay then renewed his motion for a continuance, and offered to the court two affidavits sworn to by Mr. Callender. One of the affidavits was in the usual form of those for similar purposes in the courts of Virginia; that is, stating generally the names of persons whose testimony was essential to a fair trial. The other not only contained a similar statement, but also went to explain the different facts which it was believed each witness could substantiate.

Mr. Hay observed, that he had procured the last affidavit, because he had been informed, that such an one would be required by the court; but that he presumed he might first offer the general affidavit; and if that was insufficient, he should consider himself at liberty to offer the special affidavit.

The judge said that he might act as he thought proper, but that a material difference would be made, where the traverser was provided with counsel, and when he defended himself; in the latter case, if an affidavit was offered, the substance of which was insufficient to procure a continuance, an amendment would be consented to, because it might be presumed that the party was ignorant of the law; but in the last instance, it could only be done with the consent of the attorney of the United States.

Mr. Hay applied then to the attorney for the United States, who observed that the traverser had better take his strongest ground—upon which, the special affidavit was immediately read, of which the following is a copy:

"*City of Richmond, ss.*

"This day, James Thomson Callender made oath before me, a magistrate of the said city, that William Gardner, Tench Coxe, Judge Bee, Timothy Pickering, William B. Giles, Stevens Thomson Mason, and General Blackburn, he believes to be material witnesses in the defence against an indictment found against him during the present term of the circuit court of the United States, for the middle circuit, Virginia district—that William Gardner aforesaid, resides, he believes, in Portsmouth, in the state of New Hampshire—that Tench Coxe aforesaid, resides in Philadelphia, in the state of Pennsylvania—that Judge Bee resides, the deponent hath understood, in South Carolina, but in what part of the state he

knows not—that Timothy Pickering aforesaid, resided of late in Philadelphia, in the state of Pennsylvania, but where he resides at this time, the deponent doth not know—that William B. Giles aforesaid, he hath understood, since he hath been furnished with a copy of the indictment, and since the said Giles hath left town, resides in the county of Amelia—and that General Blackburn resides in the county of Bath.

"The said James Thomson Callender, further declareth, that he expects to prove by the said William Gardner, and that he verily believes that he shall prove by the said William Gardner, that the said William Gardner was commissioner of loans for the state of New Hampshire, under the government of the United States, and that he was turned out of the said office of commissioner of loans, because he, the said Gardner, refused to subscribe an address, circulated in the town of Portsmouth, in New Hampshire, and presented to the President of the United States in the year 1798, at the instance of several inhabitants of the said town, in which address, unequivocal approbation of the conduct of the said President, in the administration of the affairs of the United States, is expressed.

"The said James Thomson Callender, also declares on oath, that he verily believes that he shall prove by the evidence of Tench Coxe aforesaid, that he, the said Tench Coxe, held, in the year 1798, an important office under the government of the United States, to wit, a commissioner of the revenue, from which office, the said Coxe was ejected by the President of the United States, because he did not approve the measures of the said President's administration, or the principles on which it was conducted.

"That he verily believes that he shall be able to prove by the evidence of Judge Bee, that he did receive from the President of the United States, in the year 1799, a letter in which he, the said President, did advise and request the said Judge Bee, then acting in his judicial character, to deliver to the consul of the British nation in Charleston, Jonathan Robbins, alias Thomas Nash, who had been apprehended and carried before the said judge, on a charge of murder committed on the high seas, on board the British frigate Hermione.

"He further deposes on oath, that he verily believes, that he shall be able to prove by the evidence of Timothy Pickering, that the President of the United States was in possession

of despatches from Mr. Vans Murray, American minister of Holland, containing assurances on the part of the French Republic, that ambassadors from the United States would be received in a way satisfactory to the people and government of the United States, many weeks, while Congress was in session, before he communicated the same to Congress.

"The deponent further saith, he verily believeth, that he shall be able to prove, by the evidence of Stevens Thomson Mason, and William B. Giles, that John Adams, President of the United States, has unequivocally avowed, in conversation with them, principles utterly incompatible with the principles of the present constitution of the United States; principles which could not be carried into operation under any political institution, without the establishment of a direct, powerful, and dangerous aristocracy; that he declared in express terms to the said Stevens T. Mason, that he had no more idea the present federal constitution could, for any length of time, control the people of the United States, than that it could control the motion of the planets; that he also declared to the said Stevens T. Mason, that he had no more idea that a political society could exist without a distinction of ranks, than that an army could exist without officers: and also, that he can prove by the said William B. Giles, that the President of the United States has avowed in conversation with him, a sentiment to this effect—That he thought that the Executive Department of the United States ought to be vested with power to direct and control the public will.

"That this deponent verily believes that he shall be able to prove by General Blackburn, that he did, on the
day of in the year 1798, receive an address from John Adams, President of the United States, in answer to the field-officers of Bath county, in which the said President does avow, that there was a party in Virginia which deserved to be humbled in dust and ashes, before the indignant frowns of their injured, insulted, and offended country.

"And this deponent further saith, that he is advised, and believes that it is material to his defence against the indictment aforesaid, that he should procure authentic copies of sundry answers made by the President of the United States, in various parts thereof; which authentic copies he cannot procure so as to be in readiness for trial during the present term.

"He also saith, that he is advised, and that he doth believe that a certain book, entitled, "An Essay on Canon and Feudal Law," or, entitled in words to that purport, ascribed to the present President of the United States, and of which he believes the President is the author, is material to his defence, and that he cannot procure a copy of the same, and evidence to prove that the said President is the author thereof, without being allowed several weeks, or perhaps months, for the purpose.

"He further saith, that he is told by the counsel who mean to appear for him, that they cannot possibly be prepared to investigate the evidence relating to the several charges in the indictment, even if all the persons and documents wanted were on the spot."

The jury being called, Mr. Nicholas stated to the court, that he conceived there was legal ground of challenge to the array. In support of this, he read the passage from trials per pais. Mr. Nicholas then added, that he believed there was testimony in court to show that the sheriff had returned a juror who avowed his sentiments extremely hostile to the traverser.

Judge Chase. Why, sir, how is this business done in your country? I have always seen triers sworn to decide these questions—I suppose there must be triers sworn.

Mr. Nicholas. I believe the books lay down this distinction: Challenges to the array are either principal challenges, or challenges for favour. Causes of principal challenge are always tried by the court. Challenges for favour are always decided by triers.

Judge Chase. Well, sir, your challenge is for favour.

Mr. Nicholas. The book in my hand states it a cause of principal challenge.

Judge Chase. Let me see that book; it is not the best authority—if I had *Coke* upon *Lyttleton* we should see the whole doctrine at once. I am persuaded that the oath of triers is laid down there.

Coke upon *Lyttleton* was brought, and the judge having run over the passage which is copied into the trial per pais, observed that the case was clear, that principal challenges to the array were for partiality in the sheriff, not in the juror.

Mr. Nicholas admitted it, but inquired whether the law might not consider the return of a partial juror as a sufficient

proof of partiality on the part of the sheriff to ground a challenge to the array.

Judge Chase. No, sir, no: you must proceed regularly. I'll tell you what you may do. You may bring in proof if you can, that any juror has delivered his opinion upon the case hitherto, or you may examine the juror himself on oath to this effect—you may do either, but not both; and you are to consider this as a favour and not a right. The counsel having chosen to rely on the jurors themselves, a juror was sworn to answer questions, and the judge put the following question to him:

"Have you ever formed and delivered an opinion upon the charges in the indictment?" The juror answered that he had never seen the indictment or heard it read.

Judge Chase. Very well—swear him in chief.

Mr. Hay. Will the court permit me to put a question to the juror before he is sworn in chief?

Judge Chase. What sort of a question do you want to put? I must hear the question; and then if I choose, you may put it. Come, what is your question?

Mr. Hay. The question which, with the permission of the court, I meant to have asked is this: "Have you ever formed an opinion on the book entitled 'The Prospect before Us,' from which the charges in the indictment are extracted?"

Judge Chase. You shall ask no such question. I'll tell you what the only proper question is: "Have you ever formed and delivered an opinion upon this particular charge?" I say formed and delivered, for he must have delivered the opinion as well as formed it—he has answered that he never saw the indictment or heard it read.

Mr. Hay. Will the court suffer him to hear the indictment read now; because, perhaps, when he understands what the charge is, he will answer that he has formed and delivered an opinion upon it.

Judge Chase. No, sir, no. The court cannot indulge you so far; they have gone as far as they can, and you ought to be satisfied.

The jury was then sworn, and the prosecutor proceeded to prove the fact of publication. The evidence introduced on the part of the United States was unquestionably sufficient to prove that the traverser was the author of the "Prospect." This point was ascertained by the testimony of W. A. Rind,

the editor of the "Federalist," who had printed the book by contract, and had retained a part of the original manuscript. This he produced in court, and swore to the hand-writing of Callender. In this stage of the proceeding, the judge put frequent and pointed questions to the witness, and was at the trouble of comparing the manuscript with the corresponding passages in the book, which it required some time to find. Before Mr. Rind was sworn, the counsel for the traverser, Mr. Hay, observed, that he understood the witness then about to be introduced to prove the guilt of the accused, was himself, in the estimation of the law, equally guilty; because he had printed, though he had not written the libel in question; and he would therefore take leave to make known to the witnesses, who were in any degree implicated in the transactions, that they were not bound to accuse themselves, and might, if they pleased, withhold every part of their testimony which has a tendency to their own crimination. The judge remarked, with his *usual promptitude*, that though the principle advanced by the counsel for the traverser was true, it was of no consequence, because the witnesses, whose evidence was called for by the United States, might rest assured that they were not to be molested. Mr. Rind, between whom and Callender great animosity had subsisted, did not choose to avail himself of the right to withdraw, thus acknowledged by the court, as *some men*, perhaps, from erroneous sentiments of delicacy and honour, would have done; nor had the weakness even to hesitate in making his choice. He went to the book with a promptitude at least equal to that with which the judge had told him he might do it with safety.

The evidence on the part of the prosecution being finished, the counsel for the traverser desired that Colonel Taylor, of Caroline, might be sworn. He was sworn. At the moment when the oath was administered, the judge called on the counsel for the traverser, and desired to know what they intended to prove by the witness. He was told that they intended to examine Colonel Taylor, to prove that Mr. Adams had avowed in his presence, principles in hostility with a republican government; that he had voted against the sequestration law, and the resolution concerning commercial intercourse with Great Britain.

The judge demanded a statement in writing of the questions he meant to be put to the witness. Mr. Nicholas remarked, that this requisition was not conformable to the usages of

the state, and had not been made when the attorney for the United States introduced witnesses on the part of the prosecution. The truth is, that I do not know what the witness can prove. I wish him to state all that he knows which can apply to the defence of the traverser on this charge. My interrogatories will be suggested by the facts which he may state. But if the court insist upon it, I will furnish a statement of the questions which I shall propound in the first instance; requesting, at the same time, that I may not be considered as being confined in the examination of the witnesses to the questions so stated.

The judge said in reply, that the demand which he had made was legal and proper, and that the attorney for the United States, in opening the cause, had stated the purpose for which he introduced the witnesses; but, continued he, though this was done, we were not bound to do so.

The judge having received a statement of the questions,* declared Colonel Taylor's evidence to be inadmissible. No evidence can be received, said he, that does not go to justify the whole charge. The charge is, that the traverser has said that "the President is a professed aristocrat. He had proved faithful and serviceable to the British interest." Now you must prove both of these points or you prove nothing; and as your evidence relates to one only, it cannot be received. This is the law; and I pronounce it to be so. You have all along mistaken this business, and you keep pressing your mistakes upon the court. I tell you that you cannot prove part of a charge—you must prove the whole or none.

Mr. Nicholas said, can we not prove one part of the charge by one witness, and another part by another; and by that means make out the proof of the whole charge?

Understand me, sir, said the judge. If your witness can prove the whole of any one charge, let him do it. If he cannot, you must not examine him.

The counsel for the traverser again desired to be heard on

* Questions alluded to, which were propounded by Mr. Nicholas:

Q. 1. Did you ever hear Mr. Adams express any opinions favourable to monarchy and aristocracy, and what were they?

Q. 2. Did you ever hear Mr. Adams, whilst Vice President, express his disapprobation of the funding system?

Q. 3. Do you know whether Mr. Adams did not, in the year 1798, vote against the sequestration law, and the bill for stopping all intercourse with England?

this subject. Mr. Hay said they meant to justify the whole charge; that they meant to prove by Colonel Taylor, that the President of the United States had in conversation avowed anti-republican principles, and that he had proved faithful and serviceable to the British interest, at least in the sense in which the assertion was made by the traverser, by giving the votes before mentioned.

The judge instantly repeated his decision. My country, said he, has made me a judge, and it is my business to pronounce the law. The evidence offered is inadmissible. The counsel for the traverser knows it to be so; but they want to deceive and mislead the populace. I take upon myself the responsibility of this decision, and I say, that the testimony of this witness cannot be received.

When it was thus finally decided, that the trial should progress without any evidence in support of the defence, though the traverser had sworn, and truly sworn, that much could be adduced; the attorney for the United States rose, for the purpose of pointing out to the jury the passages in the "Prospect," corresponding with those in the indictment. He was interrupted by Mr. Hay, who informed him that he meant to object to the introduction of the book which he held in his hand, as evidence in support of the indictment.

What? vociferated the judge.—Mr. Hay repeated what he had said.—Upon what ground? said the judge.—I will state it, said Mr. H., if the court will hear me.—Let us have it then, said the judge.

Mr. Hay began by saying, that he addressed the court with great diffidence on the point which he was about to mention. It was a subject which he did not thoroughly understand, and which circumstances had not allowed him leisure to investigate. It had been the pleasure of the court to observe that the defence had begun and continued in error. What he was about to say, would not, perhaps, induce the court to change that opinion; but if he was mistaken in the position which he meant to advance, the severity of the censure which the court might pronounce, ought to be mitigated, when it was remembered that the trial was brought on with a rapidity which precluded the possibility of a full examination of the case.

Mr. H. proceeded to observe that the specific proposition for which he contended, was, that the book in the hands of the attorney for the United States, which was intitled, "The

Prospect before Us," was not evidence in support of the indictment?

In prosecutions for libels, said Mr. H., in the English courts, great strictness is observed; if there be a difference of a single letter, between the libellous words charged in the indictment, and the printed or written paper adduced in evidence, the variance is fatal. It is the duty of the prosecutor to give "the tenor" of the libel, and it has been frequently determined that this word imposes on him the necessity of giving an exact and literal copy. The omission or addition of a letter, or the substitution of one letter for another, where a different word was produced, was an incurable defect. Mr. Hay, in support of this opinion, quoted Salkeld's Reports, page 417, and Hawkins's Pleas of the Crown.—Here Judge Chase interrupted Mr. H. to tell him that he was mistaken in the law. That the words "tenor and effect," which were used in the indictment, justified the prosecutor in giving only the substance of the libel if he thought proper. It is contended, said he, that the original must be copied in the indictment, *verbatim et literatim*. I wonder they do not conform *punctuatim* too. The law is not so.

Mr. H. observed that he did not know what the decisions in the courts of the United States had been; but the English authorities supported the doctrine which he advanced.

The principle, continued Mr. H., which renders this strictness necessary and proper, applies with full force to the case before the court. The traverser is charged with a libellous writing of the following tenor: "The reign of Mr. Adams, &c." In support of this charge a book is introduced, which is not named in the indictment, which begins with different words, and which contains not the precise words recited in the indictment, but many passages and pages besides. Mr. H. conceived that the "Prospect" could not therefore be offered in evidence, unless the indictment had charged the traverser with a false, scandalous, and malicious writing, intitled, "The Prospect before Us," containing among other things, the passages which occasioned the prosecution.

Mr. H. said that he had examined many adjudged cases, and in every instance the title of the writing charged to be libellous, was recited, and called on the attorney of the United States to produce a single instance to the contrary. If then the invariable practice was as he stated it to be; if the ablest

lawyers had uniformly adhered to it, the observation of Coke, (Co. Lyt. 115, b.) that the forms of pleading are the best evidence of law, seemed to be conclusive, that the title of the libel ought to have been stated in the indictment.

Mr. H. said, that from about twenty cases which he had examined, he would select three, which seemed best calculated to show that the description of the libellous writing, by the title given to it by the author, was essentially necessary. The first case was, where the title was very long; the second was, where the paper containing the libel had a number as well as a title, in which case the number as well as the title was recited; and the third was, where the libel was published in the French language, in which case the title, though very lengthy, was recited in French, and then in English.

Here Judge Chase interrupted Mr. Hay, to tell him that he was mistaken. I pronounce the law to be otherwise, said he. I know that cases can be produced where the title of a libel is recited in the indictment. I remember, continued he, with an increased elevation of voice, one case particularly. A man was indicted for publishing a libel called "Nun in her smock," but it was not necessary to mention the title of the libel in that case, nor is it necessary in any case.

Mr. H. observed that if he could be permitted to proceed, he would go on to state to the court the reasons which impressed his mind with a belief that the omission was fatal, and precluded the prosecutor from the right to introduce as evidence "The Prospect before Us."

The practice was, he said, as he had stated it to be. It appeared to him, that the reasons which might be urged in vindication of the practice, could not readily be answered.

It is a principle of universal law, said Mr. H., as well as of common sense and justice, that if a man's words, spoken or written, are made the foundation of a charge against him, they are all to be taken together. If the title of the "Prospect" had been inserted, and the whole book thus brought before the jury, the traverser might resort to any part of it for an explanation of the passages charged to be libellous. But if passages of this description are taken from a book or writing without naming or describing it, and charged in the indictment as constituting a libel, the only questions before the jury would be, First, Did the traverser write, print, or publish the words charged: and, Second, Are these words false,

scandalous and malicious. If this reasoning were correct, the traverser would be excluded from the benefit held out to him by the principle which has been just stated, and which was deemed incontrovertible.

Here the judge again interrupted Mr. H. There is no doubt, said he, but that the traverser, under the present indictment, will have the benefit from which you seem to fear he is excluded. I say he will have that benefit—you know that he will.

Mr. H. said, that he did not know it before; but as the court meant to allow the traverser the privilege which he conceived belonged to him, he would say no more on that point.

But, continued Mr. H., another reason presents itself in vindication of the practice so uniformly maintained in England, which perhaps may merit a more serious consideration from the court.

It is doctrine hitherto unquestioned, that in all criminal prosecutions, the offence shall be described with all possible certainty.

In larceny, it is necessary to mention not only the specific articles alleged to be stolen, but the name of the person to whom they belonged. The same principle was extended to every description of criminal prosecutions, and had a very considerable operation even in questions of a private nature. If an action of debt were brought upon a bond, the declaration must describe precisely such a bond as that adduced in evidence.

Two reasons were furnished by the books why this precision was deemed necessary: the first was, that the party accused might know exactly how to defend himself; the second, that he might plead his conviction or acquittal in bar of a subsequent prosecution for the same offence. Hawk. 322.

The first reason seemed to be as consonant to humanity as to law: and if it was a good reason, it operated with fatal force against the attempt of the attorney of the United States to produce the "Prospect" as evidence. If the title of the book had been mentioned in the indictment, Mr. Callender would have been fully apprised, by the copy with which he has been furnished, of the crime with which he was charged. But as it was not mentioned, he could not ascertain from the indictment itself, against which, and against which only, he

was to make his defence, whether the recited passages were taken from the "Prospect," or from some gazette in which they had been republished, but in the publication of which he had no concern. In support of the charges contained in this indictment, facts of a very different nature might be stated, with a view to be proved: and the traverser therefore could not know with that certainty with which accusations ought always to be made, whether he was to be at the trouble of justifying what he had said, or whether he could safely rest his defence on the insufficiency of the evidence brought against him to prove the act of publication only.

The second reason appeared to Mr. H. to be conclusive. He contended, that one writing against the President, containing fifty libellous passages, if published at the same time, was only one act for which one prosecution only could be maintained.

If the present indictment had mentioned the title of the book now introduced, the decision about to be pronounced, whatever it might be, might be pleaded in bar of a subsequent prosecution for the same, or for any other passages in the same book. In support of this plea, the traverser would have nothing to do but to produce the record. This alone would protect him. But if the title of the book is not to be recited, the production of the record would not be sufficient to support his plea of "formally acquitted or formally convicted." In addition to the record, he must bring forward witnesses to prove that the "Prospect" had been given in evidence against him at the former trial. Such witnesses, perhaps, might be procured, but it was not certain; and when procured, their evidence might not be sufficiently explicit to establish the point relied on by the traverser. He did not stand therefore in the state of security in which a man ought to be placed who once answered a charge made against him by his country, and in which he would be placed if the doctrine contended for by his counsel were correct.

Here the judge observed to Mr. Hay, in HIS WAY, that it was certain that the traverser might plead the present prosecution in bar of any other. It was clear law, and Mr. H. must know it to be so. Mr. Hay said that he was not completely understood. The present prosecution might be pleaded in bar of another prosecution for the same offence, and would, according to his doctrine, appear on the record; but according

to the doctrine to which the court seemed to incline, the evidence of this fact, resting on memory only, might perish forever.

Here the attorney for the United States was about to rise; but the judge stopped him. Really, Mr. Attorney, said he, it is not worth your while to take up the time of the court in making a reply. There can be no good reason for excluding the book as evidence. The traverser is charged with having written, printed or published, a certain libellous writing; all that is to be done on the part of the United States, is to prove this charge to be true, and the book called the "Prospect," is good evidence to support it.

This point being disposed of, the attorney for the United States rose and commented at great length on every charge contained in the indictment.

The jury then retired and returned a verdict of GUILTY.

The sentence of the court was, that James Thomson Callender be fined two hundred dollars, and be imprisoned nine months; and find security for his good behaviour during the same period from the date of his sentence.

The trials of Cooper and Callender furnish the strongest proofs of the partiality which prevailed in the American courts during the administration of Mr. Adams. The conduct of Judge Chase to Mr. Cooper must be reprobated by every lover of justice and liberty. In Callender's trial, after the jury delivered their verdict, Chase observed that it was pleasing to him, because it showed that the laws of the United States could be enforced in Virginia, the principal object of Callender's prosecution. In charging the jury, he spoke of Mr. Callender in the most contemptuous manner: he called upon their honest indignation: he declared that he did not think there was so bad a man in the United States. This language might have been tolerated from the prosecutor, but coming from a judge, it is censurable in the highest degree.

Before we proceed with an account of the elections for President in the different states, it is proper to give an account of the lives and characters of the different candidates. This will constitute the subject of the next chapter.

CHAPTER XV.

Lives and Characters of Thomas Jefferson, Aaron Burr, and Charles Cotesworth Pinckney.

Thomas Jefferson was born in the year 1743, at Monticello, in the county of Albemarle, in Virginia. He was the eldest son of his father, who was a respectable landholder, and joint-commissioner appointed with Colonel Fry for settling and extending the boundary line between Virginia and North Carolina, in 1749.

About the age of fourteen he was sent to the University of William and Mary, in the city of Williamsburgh, a seminary, though not equal to the European schools, has yet produced several characters that, in classical knowledge and legal abilities, would do honour either to Cambridge or Oxford.

The progress which young Jefferson made in the different departments of science and literature was rapid; and he obtained the degrees of the college with honour to himself and credit to his instructors. At the desire and advice of his relations, he commenced a course of law under the direction of George Wythe, now the venerable judge and sole chancellor of Virginia. Being naturally fond of philosophic pursuits, and accustomed to acute discrimination and logical discussion with his fellow students, he greatly facilitated the acquirement of legal knowledge, which he now studied as a profession.

In 1766 he came to the bar of the Supreme Court of his native State, and on his first appearance gave indication of talents that would rise to high eminence. Here he continued to practise with success and reputation until the commencement of the American Revolution, in 1775, when he was called forward to support the rights of his country, and for those important ends which have been so conspicuously realised in the various capacities in which he has acted.

Mr. Jefferson is in his person tall and slender, of a fresh complexion, clear, penetrating eyes, his hair inclining to red, and of a deportment modest, affable, and engaging. In early youth, the only period which fortune seems to have allotted him for a social intercourse with the world, he was in every

circle its ornament, instructor, and pride. A close application, aided by an uncommon strength of mind, supplied the want of many European advantages. Without neglecting the particular study which was the primary object of his employment, Mr. Jefferson found sufficient time to attend to the polite acquirements. He relieved the tedious fatigue of law by improving the knowledge of Geometry, Astronomy, and Natural Philosophy which he had acquired at the University; and the research of science he occasionally blended with the lighter and perhaps more agreeable amusements of drawing and music. In the latter art he not only arrived at that degree of mediocrity which serves to soften the passions and refine the tender feelings, but was considered among amateurs as a considerable proficient.

In 1774, when the inhabitants of America were roused into action by the tyranny and accumulated wrongs of the British government, Mr. Jefferson published his celebrated pamphlet, "Summary View of the Rights of British America," addressed to the king, which brought forward against the author threats of prosecution from the Earl of Dunmore, then Governor of Virginia. Mr. Jefferson was obnoxious to this nobleman on another account. Dunmore was, in his own country, considered as one of the most intemperate and dissolute young men of his age. The climate of Virginia, with the unlimited authority of a British Governor, served to inflame his passions, and heighten his licentious habits. His hours, in place of being spent in redressing the wrongs and listening to the grievances of the Virginia planters, were devoted to the gambling table, and the indulging of the sensual appetites. When the arts of seduction proved ineffectual, the brutal peer even had recourse to violence. A young lady of the name of Campbell, the daughter of a respectable merchant in Richmond, became the victim of his unbounded amours. Her brother, an officer in the king's service, called Dunmore to account for his injured sister. The haughty Governor, in place of giving the satisfaction which justice required, had him arrested and sent to England, where, by the sentence of a court-martial, he was deprived of his commission. A well wrote and accurate statement of this unwarrantable outrage appeared soon after in the public papers of Virginia; the author, I am informed, was a lawyer of the name of Foster; but the Earl of Dunmore supposed it, from the ability it dis-

played, to have been the production of Mr. Jefferson. His threats, however, produced no other effect than to cause Mr. Jefferson publicly to avow himself the author of the Rights of British America.

About this time he married an amiable woman, the daughter of Mr. Wayles, an eminent counsellor in Virginia. That affectionate partner, unfortunately no longer exists. The death of this lady, in 1780, devolved on him a more weighty care, the education of two lovely daughters, their surviving issue. These have been reared under his immediate inspection, and have accompanied his diplomatic functions whithersoever they have been directed.

It was not to be expected that a man of such conspicuous qualifications could be suffered long to remain in the shade of philosophic retirement. In the year 1775, he was elected a member of the Virginia convention, and on the 4th of August, in the same year, one of the members to represent that state, then colony of Virginia, in Congress. In this Legislature, he became a distinguished and useful member, and has left many traces of sufficient importance to display his knowledge of legal jurisprudence.

In the memorable year of 1776, which separated the United States from their mother country, and gave the example of freedom to the monarchies of Europe, we find Mr. Jefferson advancing to a still more dignified station. He was chosen, along with Benjamin Franklin, John Adams, Roger Sherman, and R. R. Livingston, to draw up the Declaration of our independence, an instrument which will ever be considered as the magna charta of American liberty. It was from the elegant pen and enlightened mind of Mr. Jefferson, who was first named on the committee, that this instrument proceeded; which, so long as the records of time shall endure, will perpetuate the fame of its author. He was also honoured with the public confidence, by being appointed a member of the first Congress, where he sat two years, supporting a character highly respectable, and which will stand dignified in the judgment of our remotest posterity.

In the year 1778, Mr. Jefferson, being then a member of the Virginia Legislature, presented to that body the act "to prevent the importation of slaves," which was enacted into a law in the month of October of the same year; and was shortly followed by another act, "to authorise manumissions,"

being the commencement of a system of general emancipation, also proposed by him.

The first critical period in Mr. Jefferson's civil administration was when he received the appointment of Governor of Virginia, in the year 1779, in the room of Patrick Henry, who was the first governor under the renovated constitution, and the successor of the Earl of Dunmore. Mr. Jefferson continued in this office until June, 1781.

During these years Mr. Jefferson had much to contend with. The state experienced three invasions, and he had not only to combat an open enemy in the field, but to encounter the insidious snares of a secret faction, who assailed his reputation and stabbed him in the dark. They insinuated that he had abandoned the government of Virginia to its enemies, and sought personal safety by flight to the mountains, and that he likewise had refused to pay military claims in preference to those of the civil list.

Against these slanderous falsehoods, I shall transcribe the arguments of Mr. Jefferson's biographer, in an English publication entitled, "Public Characters of 1801."

"If the first of these loose insinuations (says this writer) be supposed to apply to the evacuation of the Virginia metropolis, an American officer, now present, was with him on the occasion, and contradicts the fact: if to the second visit which General Tarleton did himself the honour of paying to the deliberating councils of that country, the whole legislature must be implicated: *Dum armes, silent leges!* The propriety of his pecuniary appropriations are, perhaps, easily to be justified.

"In regard to the first point of view, facts authorize the bold assertion, that the government deserted Mr. Jefferson, not that Mr. Jefferson deserted the government, on this occasion of unparalleled risk and difficulty. The gentleman present, and now ready to testify, was at that period an officer, in the confidence of the commanding general in that part of the country, and was, on this particular occasion, sent to Mr. Jefferson with despatches of an important nature, (being choicely mounted, by the general's particular order, on the most noted running horse which the whole country afforded;) he found Mr. Jefferson in the town of Manchester, opposite to Richmond, which is the metropolis spoken of, and then about fourteen miles from the rear of General Arnold, who was re-

tiring from his predatory incursion. He learnt from the few confidential friends who surrounded the governor, that his excellency had been busily engaged, even in personal labour, to secure those very arms in a place of safety which were abandoned by his citizens to the mercy of the enemy; while some indeed, were as industriously employed in circulating falsehoods to his prejudice.

"In the respect of his pecuniary appropriations, before alluded to, gentlemen of the army seem to have been a little premature in imbibing a prejudice against a public character whose office demanded of him an independent exercise of his judgment. This might in part, perhaps, proceed from the imperfect knowledge to which military life in general attains in the affairs of civil government, and partly from those false suggestions which are wont to arise from the malice of faction. It is true that a part of the army were discontented with Mr. Jefferson, and it is equally so, that their jealousy of pecuniary partialities was the chief cause; but it remains to be determined, whether this was a reasonable dissatisfaction. It was a prevalent complaint, that the civil list was paid while the claims of the military were unattended to. In canvassing this murmur, let us take a view of the premises: Every one knows the situation of Virginia at that time; her credit was sunk, her strength exhausted by the marching and countermarching of her troops, invaded by a powerful enemy, and her contingent fund at a very low ebb—certainly the propriety of supporting her civil government through such disasters, will be viewed as a primary object by all sound politicians. Without that supreme head, the very cause which called for a defence would have been annihilated, and the dissatisfied military would have been disorganized, and no longer necessary. With regard to the component individuals who were included in the civil list, it was necessary to support them; for to do this was essential to the existence of jurisprudence, and indispensably necessary for the support of good order in the community. The people of the metropolis (Richmond) were neither willing nor able to take the whole burden of government upon their own shoulders; nor were they, on any account, bound to submit to it; yet the departments of administration must necessarily reside there, and the inhabitants must as necessarily be paid for accommodating men who have sacrificed the convenience of life to the duties of public service, and were

unavoidably dependent on the national fund. Had the treasury of the state been adequate to the whole demand, it is presumed no man would have felt greater pleasure than Mr. Jefferson in the accommodation of all their wants, for benevolence is a trait in his constitution which has more than once placed his private credulity in the hands of the swindler. It is moreover to be considered, that the civil list contained but a small number of individuals; the military roll comprised a very large one. Of two evils it was certainly proper to choose the least; besides the military had one resource which was beyond the immediate power of the civil authority: their arms and the laws of war, empowered and justified them in taking needful supplies, (otherwise than in waste) from those to whom Providence had been most bountiful; for such had been made the common lot of the war, the whole property of the people being voluntarily pledged for its defence at the period of its commencement. Some of the military, however, had a different sense of these matters, and preferred to quarter upon the chief magistrate those whom rank and military pride should have better instructed in the rules of decorum and common civility."

In the year 1781, under the pressure of public business and family affliction, Mr. Jefferson prepared his celebrated work, afterwards published in Europe, entitled, "Notes on Virginia."

In the year 1783, Mr. Jefferson was appointed to a seat in Congress, from whence he was nominated as ambassador to the court of Spain, but the approach of peace, it is presumed, rendered his voyage unnecessary. In the following year, on the 7th of May, he was nominated by that honourable body minister plenipotentiary of the United States to the court of France, as the successor of the venerable Franklin. From thence he communicated his negotiations concerning the freedom of the tobacco trade, and the powerful opposition of the farmers general, &c. to Mr. Jay, then our minister of foreign affairs, in a letter dated 27th of May, 1786. In this letter he evinces considerable diplomatic talents and success, having gained the approbation of Mr. de Vergennes and the acquiescence of Mr. de Calonne. He has also recommended to the people of Carolina, an improvement in preparing their staple commodity, rice, in order to lead the Mediterranean market. In another letter to Dr. Stiles, President of Yale college, dated Paris, September 1st, 1786, he displays a fund of senti-

ment, and information sufficient to entitle him to the confidence of his country and the admiration of society.

On the 22d of October, 1786, Mr. de Calonne announced to Mr. Jefferson, by letter from Fontainbleau, the intention of the king of France to favour the commerce of the United States as much as possible; to double the number of their free ports; to reduce the duties which were prejudicial to the commerce with America; that after the expiration of a contract made by the farmer-general with Mr. Morris, (concerning tobacco) no similar one should be permitted; and that during the existence of the term of Mr. Morris's contract, the farmers-general should be compelled to purchase annually about fifteen thousand hogsheads of American tobacco. This regulation of the tobacco trade, (though not wholly in conformity to the principles proposed by Mr. Jefferson in his letter to the Count de Vergennes) appears to have been the result of Mr. Jefferson's negotiation, which had first in view to eradicate that monopoly entirely.

In the arguments used by Mr. Jefferson for the abolishing of French duties upon the oil trade, he appears to have carried equal conviction; for although France could not consent to a total abolition, she puts the United States on a footing with the Hanse towns, and Mr. de Calonne assigns the pre-existing treaties with other powers as a reason for her doing no more; His Most Christian Majesty, moreover, thought fit to abolish the duties of fabrication upon this article.

About the same period, Mr. Jefferson, in conjunction with Franklin, negotiated with a minister from the court of Prussia, then at the Hague, the treaty known by the name of the "Prussian Treaty," in which an astonished world has, for the first time, seen a public avowal, and positive provision by treaty between two sovereign and independent nations, for the establishment of those two great and glorious principles, promotive of universal peace and happiness, to wit; First, *That free ships shall make free goods;* and Second, *That privateering in time of war be abolished;* principles which it were to be wished could be rendered universal. Mr. Adams was one of the commissioners for negotiating this treaty, and on its completion it was sent over to London, where Mr. Adams then resided as minister of the United States, for his signature. It is greatly to be regretted that Mr. Adams could not be content to retain to himself a share of the glory

which reflects on the authors of this celebrated treaty; but, unhappily for our country, while he was President of the United States, we have seen him nominate his son, John Quincy Adams, as minister to the court of Prussia, for the express purpose, as declared, of renewing the treaty with that nation, which having been limited to continue in force for ten years only, had expired. Accordingly, another treaty has been made by his son with Prussia, which has been approved by a majority of the Senate, and ratified by Mr. Adams; but which, instead of renewing and continuing the old treaty, is in itself a new one, expressly abandoning and renouncing the two inestimable principles; First, *That free ships shall make free goods;* and Second, *That privateering in time of war be abolished;* principles which, it appears from the correspondence accompanying the negotiation, laid before the Senate of the United States by the late President, the wise and enlightened ministers of the Prussian monarch were brought, with great difficulty and reluctance, to abandon on the earnest solicitation and reiterated demand of the American negotiator, under the suggestion that the maritime powers, *particularly Great Britain*, would never sanction or permit them.

In the year 1789, Mr. Jefferson being returned to the United States, and appointed by President Washington Secretary to the department of State, immediately entered on the arduous duties of that important station, having previously stipulated with the President, that in consideration of the many years absence from his family and estate, he might be permitted, at the expiration of the constitutional term for which the President was elected, to retire from the public service.

The first result of the labours of Mr. Jefferson in the department of State, were exhibited to Congress in the follow- reports, to wit:

1st. A report on the fisheries of the United States.

2d. A report on coins, weights, and measures.

3d. A report on the waste and unappropriated lands of the United States.

4th. A report on the privileges and restrictions on the commerce of the United States in foreign countries.

Each of these reports displayed the usual accuracy, information, and intelligence of the writer.

But it was reserved for a more critical and delicate period

in the affairs of the United States, that the pre-eminent talents of the American secretary should become most conspicuous, and interestingly useful to his country. The non-execution of the treaty of peace with the United States, on the part of Great Britain; her detention of our western posts, and the attendant spoliations on our commerce, both by Great Britain and France, then at war with each other, added to the intrigues of the minister of the latter, Genet, all conduced to a situation difficult and perplexing. Besides which, Spain continued to withhold from us the free navigation of the Mississippi, so essential to all western America. In this state of things, the just confidence which the discriminating mind of Washington had reposed in Mr. Jefferson, was amply repaid by that promptness, zeal, and ability, with which the American secretary contributed by his labours to relieve the executive from embarrassment.

Through a series of masterly and unequalled diplomatic correspondence, which he maintained at the same time with the respective ministers of Great Britain and France, namely, Hammond and Genet, he traversed and rebutted their respective causes of charge and complaint against the United States, and having fully proved the various aggressions and infractions of treaty on the part of their respective governments, pointed to the means for preserving the honour and maintaining the rights of his own country: whilst alike superior to the intrigues of Great Britain or of France, he fully manifested that he held no particular attachment to any foreign nation, but was equally prepared, with the decision, firmness and intelligence of a true American, to oppose and resist the aggressions of all. The recall of Genet, and appointment of his successor, with the subsequent proceedings between the United States and France; the appointment of Mr. Jay, his treaty with Great Britain, and the recall of Mr. Hammond, appointment of Mr. Liston, and subsequent proceedings with Great Britain, are all well known. In respect to Spain, the labours of Mr. Jefferson were more immediately effective and complete.

Having possessed the commissioners of the United States, then at Madrid, negotiating a treaty with the court of Spain, with the most ample and pointed instructions, and also of the form and provisions of a treaty predicated on the basis of the free navigation of the Mississippi, it remained only for Mr. Thomas Pinckney, then minister from the United States at

London, under special instruction from the President, and appointed envoy for that purpose, to repair to Madrid, and, seeing the favourable moment for effecting it, to accomplish this desirable work.

This was accordingly done with equal promptness and decision on his part, and jointly to that, and the labours of the American secretary in the cabinet, are the United States indebted for the most liberal, honourable, and beneficial treaty they ever yet entered into with a foreign nation.

It in the fate of every man whom virtue and talents have elevated, to excite the envy and hatred of many. Previous to Mr. Jefferson's election, a great clamour was raised through the United States respecting debts due from him to British merchants. This subject, however, when examined, in place of detracting, will add considerably to the lustre of his character.

In the year 1774, before a shilling of paper money had been issued, Mr. Jefferson sold about five thousand acres of land in Cumberland and Bedford counties, to pay his proportion of a debt due from the estate of Mr. Wayles to Farrel and Jones. He offered the bonds to their agent immediately, who refused to take them. The money was paid to Mr. Jefferson in 1779 and 1780, and he carried it to the treasury of Virginia, as the laws pressed on all to do who owed money to British subjects, declaring that the public would pay dollar for dollar. This delusion soon passed away, and it became evident that the public neither could, nor ought to pay according to the nominal value. The reader will perceive the loss which Mr. Jefferson sustained, and that if he had been disposed to quibble, no event could have afforded him a more plausible pretext. But it appears that Mr. Jefferson considered himself still answerable to Farrel and Jones, and therefore settled with their agent otherwise.

The next debt in succession was one due to Kippen and company, for whom Mr. Lyle, of Manchester, was agent. Mr. Jefferson's conduct in the settlement of this claim was strictly honourable. As soon as he returned from his mission to France, he waited upon Mr. Lyle, and made immediate arrangements for payment, deducting the eight years' war interest.

Respecting the war interest, the following letter from Mr.

Jefferson is quite satisfactory. It was produced in court by Jones's agent, and afterwards published in the Aurora:

"*Paris, January 5*, 1787.

"SIR,—When I had the pleasure of seeing you in London, I mentioned to you that the affairs of Mr. Wayles's estate were left to be ultimately settled by Mr. Eppis, the only acting executor; that I have left in his hands also, and in those of a Mr. Lewis, the part of Mr. Wayles's estate which came to me together with my own; that they were first to clear off some debts which had been necessarily contracted during the war, and would after that apply the whole profits to the payment of my part of Mr. Wayles's debt to you, and to a debt of mine to Kippen and company, of Glasgow. Being anxious to begin the payment of these two debts, and finding that it would be too long postponed if the residuary ones, were to be paid merely from the annual profits of the estate, a number of slaves have been sold, and I have lately received information from Messrs. Eppis and Lewis, that the proceeds of that sale, with the profits of the estate to the end of 1781, would pay off the whole of the residuary debts. As we are now, therefore, clear of embarrassment to pursue our principal object, I am desirous of arranging with you such just and practicable conditions, as will ascertain to you the terms at which you will receive my part of your debt, and give me the satisfaction of knowing that you are contented. What the laws of Virginia are or may be, will in no wise influence my conduct; substantial justice is my object, as decided by reason, not by authority or compulsion.

"The first question which arises, is as to the article of interest; for all the time preceding the war, and all subsequent to it, I think it reasonable that interest should be paid, but equally unreasonable during the war. Interest is a compensation for the use of money; your money in my hands is in the form of lands and negroes; from these, during the war, no use, no profits could be derived. Tobacco is the article they produce; that only can be turned into money at a foreign market; but the moment it went out of our ports for that purpose, it was captured either by the king's ships, or by those of individuals. The consequence was, that tobacco worth from twenty to thirty shillings the hundred, sold generally in Virginia, during the war, for five shillings: this

price, it is known, will not maintain the labourer, and pay his taxes; there was no surplus of profit then to pay an interest: in the mean while we stood insurers of the lives of the labourers, and of the ultimate issue of the war. He who attempted during the war, to remit either the principal or interest, must have expected to remit three times to make one payment, because it is supposed that two out of three parts of the shipments were taken. It was not possible then for the debtor to derive any profit from the money which might enable him to pay an interest, nor yet to get rid of the principal by remitting it to his creditors.

"With respect to creditors in Great Britain, they turned their attention to privateering, and arming the vessels they had before employed in trading with us; they captured on the seas not only the produce of the farms of their debtors, but of those of the whole state. They thus paid themselves by capture more than their annual interest, and we lost more; some merchants, indeed, did not engage in privateering; these lost their interest; but *we* did not gain it; it fell into the hands of their countrymen—it cannot, therefore, be demanded of us. As between these merchants and their debtors, it is the case where a loss being incurred, each party may justifiably endeavour to shift it from himself; each has an equal right to avoid it; one party can never expect the other to yield a thing to which he has as good a right as the demander. We even think he has a better right than the demander in the present instance; this loss has been occasioned by the fault of the nation which was creditor; our right to avoid it, then, stands on less exceptionable grounds than theirs. But it will be said that each party thought the other the aggressor; in these disputes there is but one umpire, and that has decided the question where the world in general thought the right lay.

"Besides these reasons in favour of the general mass of debtors, I have some peculiar to my own case. In the year 1776, before a shilling of paper-money was issued, I sold lands to the amount of £4,200 in order to pay these two debts. I offered the bonds of the purchasers to your agent, Mr. Evans, if he would acquit me and accept of the purchasers as debtors in my place. They were as sure as myself; had he done it, these debts being turned over to you, would have been saved to you by the treaty of peace; but he declined it.

"Great sums of paper money was afterwards issued: this depreciated, and payment was made me in this money, when it was but a shadow. Our laws do not entitle their fellow-citizens to require repayment in these cases, though the treaty authorizes the British creditor to do it. Here then I lost the principal and interest once. Again, Lord Cornwallis encamped ten days on an estate of mine at Elk Island, having his head-quarters in my house; he burned all the tobacco houses and barns on the farm; he burned all the enclosures, and wasted the fields in which the crop of that year was growing, (it was in the month of June;) he killed or carried off every living animal, cutting the throats of those which were too young for service; of the slaves, he carried away thirty. The useless and barbarous injury he did me in that instance, was more than would have paid your debt, principal, and interest; thus I lost it a second time. Still I will lay my shoulders to the payment of it a third time; in doing this, however, I think yourself will be of opinion, I am authorized in justice to clear it of every article not demandable in strict right: of this nature I conceive interest during the war.

"Another question is, as to the paper money I deposited in the treasury of Virginia, towards the discharge of this debt. I before observed, that I had sold lands to the amount of £ 4,200 sterling, before a shilling of paper money was remitted, with a view to pay this debt—I received this money in depreciated paper. The state was then calling on those who owed money to British subjects, to bring it into the treasury, engaging to pay a like sum to the creditor at the end of the war. I carried the identical money, therefore, to the treasury, where it was applied, as all the money of the same description was, to the support of the war. Subsequent events have been such, that the state cannot, and ought not to pay the same nominal sum in gold or silver, which they received in paper, nor is it certain what they will do.

"My intention being, and having always been, that whenever the state decides, you shall receive my part of the debt fully. I am ready to remove all difficulty arising from this deposit; to take back to myself the demand against the state, and to consider the deposit as originally made for myself, and not for you.

"These two articles of interest and paper money being thus settled, I would propose to divide the clear proceeds of

the estate (in which there are from eighty to a hundred labouring slaves) between yourself and Kippen and Co. two thirds to you and one third to them; and that a crop of this year, 1787, shall constitute the first payment. That crop, you know, cannot be got to the warehouse completely till May next year; and I suppose three months more will be little enough to send it to Europe, or to sell it in Virginia and remit the money; so that it could not safely answer for placing the proceeds in your hands till the month of August, and annually every August till the debt shall be paid—it will always be both my interest and my wish, to get it to you as much sooner as possible, and probably a part of it may always be paid some months sooner.

"If the assigning the profits in general terms may seem to you too vague, I am willing to fix the annual payment at a certain sum—but that I may not fall short of my engagement, I shall name it somewhat less than I suppose may be counted on; I shall fix your part at four hundred pounds sterling annually; and as you know our crops of tobacco to be uncertain, I should reserve a right, if they fall short one year, to make it up the ensuing one, without being supposed to have failed in my engagement; but every other year at least, all arrearages shall be paid up.

"My part of this debt of Mr. Wayle's estate being one third, I should require that in proportion as I pay my third I shall stand discharged as to the other two thirds, so that the payment of every one hundred pounds shall discharge me as to three hundred of the undivided debt. The other gentlemen having equal means of paying, equal desires, and more skill in affairs, their parts of the debt, therefore, are at least as sure as mine; and my great object is, in case of any accident to myself, not to leave my family involved with any matters whatever.

"I do not know what the balance of this debt is; the last account current I saw was before the war, making the whole balance, principal, and interest, somewhat about nine thousand pounds, and after this there were upwards of four hundred hogsheads of tobacco, and some payments in money to be credited. However, this settlement can admit of no difficulty, and in the mean time payments may proceed without affecting the right of either party to have a just settlement.

"Upon the whole, then, I propose on your part, you relin-

quish the claim to interest during the war, say from the commencement of hostilities, April 19, 1775, to their cessation, April 19, 1784, being exactly eight years, and that in proportion as I pay my third I shall be acquitted as to the other two thirds. On my part, I take on myself the loss of the paper money, deposited in the treasury; I agree to pay interest previous and subsequent to the war, and oblige myself to remit to you for that and the principal, four hundred pounds sterling, annually, until the third of the whole debt shall be fully paid, and I will begin their payments in August in next year. If you think proper to accede to these propositions, be so good as to say so at the foot of a copy of this letter; on the receipt of that, I will send an acknowledgement of it, which shall render this present letter obligatory on me; in which case you may count on my faithful execution of this undertaking.—I have the honour to be, with great respect, sir, your most obedient, and most humble servant,

(Signed) "THOMAS JEFFERSON."

The following letter to Mr. Mazzei, a resident in Tuscany, attributed to Mr. Jefferson, has been handed about, and attempts made to question its veracity; but as it has never been denied, it may be considered as the production of our President, and it reflects considerable credit on his love of truth and principles, as well as a writer.

"Our political situation is prodigiously changed since you left us—instead of that noble love of liberty, and that republican government which carried us triumphantly through the dangers of the war, an *anglo-monarchico aristocratic* party has arisen. Their avowed object is to impose on us the *substance*, as they have already given us the form of the British government; nevertheless, the principal body of our citizens remain faithful to republican principles. All our proprietors of lands are friendly to those principles, as also the mass of men of talents—we have against us the executive power, all the officers of government, all who are seeking offices, and all timid men who prefer the calm of despotism, to the tempestuous sea of liberty; the British merchants, and Americans who trade on British capitals, the speculators, persons interested in the bank and public funds.

"I should give you a fever if I should name the apostates

who have embraced those heresies—men who were Solomons in council, and Sampsons in combat, but whose hair has been cut off by the whore, England.

"They would wrest from us that liberty which we have obtained by so much labour and peril, but we shall preserve it. Our mass of weight and riches is so powerful, that we have nothing to fear from any attempt against us by force—it is sufficient that we guard ourselves, and that we break the Liliputian ties by which they have bound us, in the first slumbers which succeeded our labours; it suffices that we arrest the progress of that system of ingratitude and injustice towards France, from whom they would alienate us to bring us under British influence."

This article I shall conclude with the following extract from a character given of Mr. Jefferson, by a celebrated counsellor in the state of New York:—

"There was no character perhaps in America, more eminently calculated to fill the department of state, than Mr. Jefferson. Few men who have travelled at all, have travelled with more advantage; and had a greater capacity of receiving improvement from this mode of it, than him. The genius of each nation, its particular customs and manners, and the great relative interest which regulated the policy of courts, were subjects with which he was acquainted; and eminently fitted him to fill a department, the peculiar organ of their communications. Controversy, which so frequently betrays the fallibility of the understanding, because it begets intemperance, never makes him a victim to the designs of his opponent. He listens to his arguments with scrupulous attention; draws new sources of information from conflicting principles; and if he is animated at all, it is with the discovery of a new truth. There are, perhaps, few men better calculated always to triumph, and always to leave upon the mind, at least the most favourable impressions, if not the most decisive conviction. This is not difficult to account for, when applied to Mr. Jefferson; because few men, like him, deserve the application. He never hazards an opinion without the authority of experience, and the conviction of reason. Travel and observation have matured the one, and extensive application and reflection have invigorated the other. His principles, therefore, convey the strongest impressions; which he enforces by logical de-

duction, and mathematical precision, drawn from an expanded intellect, that separates with infinite facility, the purity of truth from the grossest materials of error.

"When citizen Genet, the ex-minister of Robesperian fanaticism, appeared in America, he attempted to impose his new philosophy of light and liberty upon the government. He had nothing to boast of, on the score of superior diplomatic skill. His communications to the secretary of state were evidently of the tampering kind. They were impressed with all the marks of that enthusiastic insanity, which regulated the councils of the faction; and which were calculated to mistake their object, by disgusting their intended victims. The mind of Mr. Jefferson discovered itself in an early period of his correspondence with the French minister. The communications of Genet were decorated with all the flowers of eloquence, without the force and conviction of rhetorical energy. Accustomed to diplomatic calculation, and intimately combining cause with effect, Mr. Jefferson apprehended the subject with strength and precision—considered it, developed it, viewed it on all sides, listened to every appeal, and attended to every charge; and in every communication burst forth with a strength of refutation that at once detected and embarrassed the disappointed minister of a wily and fanatic nation.

"It is, in most instances, useless to oppose enthusiasm with the deliberate coolness of reason and argument. They are the antipodes of each other; and of that imperious nature which mutually solicits triumph, and disdains reconciliation. The tyranny of the Robesperian principles were calculated to inveigle within the vortex of European politics, the American government and people. The coolness and sagacity of the secretary of state composed their defence and protection. The appeal was mutually made to the government; and it is a fortunate circumstance, that there existed this tribunal to approbate the measures of the secretary, and to silence forever the declamatory oracle of an insidious faction. Checked and defeated on all sides, his doctrine stripped of its visionary principles, and himself betrayed into the labyrinth of diplomatic mystery, the ex-divinity shrunk into the silence of contempt; declaring with his last breath, that Mr. Jefferson was the only man in America whose talents he highly respected.

"The diplomatic contest with Genet was not the only one which drew forth into action the splendid abilities of Mr.

Jefferson. The American world was, for some time, amused with the communications of the English minister, Hammond. Their object is too well known to require delineation. It was a contest between the antiquated principles of a rotten monarchy, deluded by the fallacious idea of effecting a triumph, and the newly acquired maxims of the republican philosophy. The communications of Hammond were stamped with the original dullness and stupidity of their author. Incapable of convicting by the energy of argument, the importance of the minister was maintained by the length and number of his letters, and by that rigid perseverance, which was calculated to irritate and disgust. Tired with the correspondence, the Secretary of State appears to have collected together the united energies of his mind in a single letter of considerable length, wherein he combines with infinite skill, the erudition of the counsellor, the wisdom of the politician, and the sagacity of diplomatic ingenuity. No longer deluded by the dreams of triumph, Hammond in a short time went home, to kiss the aristocratical hand that made him a slave; and Mr. Jefferson to see that repose in retirement, which his laborious attention to the duties of his office seemed to demand.

"Mr. Jefferson appears, from the incomparable felicity of his temper, to have arrived at the most elevated height of philosophy. He has not escaped the misfortune, if it is one, of having enemies to depreciate his virtues and calumniate his principles. These virtues have frequently furnished pretences for the bitterest calumny. The equanimity of his temper, however, never fell a victim to the unmanly provocatives, which so often disturb little minds. His contempt for unjust censure, his dignified reserve beneath the insolence of ministerial loquacity, and his unshaken serenity, whilst the whole political world is moving around him, make a soul capable of holding calamity in defiance. Viewing mankind as they really are, biassed by passion, swayed by prejudice, and with ears continually open to the invocations of individual interest, it stands aloof in the sentiments of his own exalted mind, and like Jupiter from Olympus, surveys with serenity and silence the fate of empires. It is well known, however, that his enemies are of that obsequious tribe of court parasites, who move in the inferior circles of respectability, and feel the influence of talents, which they seek to decry by the arts of petulance and loquacity. He has sufficient knowledge of

human nature to know that this is the involuntary tribute of envy; and is consoled that it is the medium of the inculcation of truth, and is satisfied that he is not conscious of deserving reproach, and is silent. Surely the man who can preserve such an equanimity of temper, who can maintain the composure of his mind, and listen to unmerited reproach, without deserving it; surely such a man is entitled to the first place in our esteem. They are attributes which few men possess, are the productions of the most difficult of all attainments, the knowledge and esteem of ourselves, and flow from an elevated philosophy, that seeks tranquillity in conscious rectitude; which teaches forbearance whilst it refines our knowledge of human nature, and views the conflicting passions of mankind, as connected with the destiny of social life. To descend from this dignified sphere of human reason, like the Pagan gods from Olympus, to participate in the conflicts of an inferior order of beings, would be doing violence to the sanctuary of philosophy. His enemies may desire it; and seek an occasion for that triumph which pertinacious mediocrity sometimes acquires over the sublimity of genius. He feels the most complete security in the celestial sanctuary of self-applause; in the steady discharge of the duties committed to his care; in an inflexibility to ill, and in the obstinacy to do justice. The arts of malice, and the rude voice of faction assail him in vain. The senseless clamours of his enemies make no impression on him. He appears invulnerable to the shafts of malignity which fall every where around him, blunted by the invincible dignity of his character, and the respectability of his talents."

Aaron Burr, the Vice-President of the United States, was the only son of president Burr, of New Jersey College. President Burr was born in the year 1714, at Fairfield, in Connecticut, in which colony his forefathers, who were persons of great respectability, had been settled for several preceding generations. The late Governor Livingston, in speaking of this gentleman, has the following words: "whether we consider him in a private or public view, he is still equally striking, equally distinguished, and without exaggerated expression, something surpassing the ordinary bounds of human nature." He married Miss Edwards, the daughter of Dr. Jonathan Edwards, who was afterwards his successor in New Jersey

College: by this lady he had Aaron Burr, and a daughter, who married Judge Tappen Reeve, of Connecticut.

President Burr died in the year 1757, when his son Aaron was about three years of age; the care of Aaron's education consequently devolved on Mrs. Burr, and none could have been more fit for that purpose than this lady. She was, in every respect, an ornament to her sex, being equally distinguished for suavity of manners, purity of religion, and brilliancy in literature and science.

At the age of fourteen, Aaron Burr was sent to the college of Cambridge, where he soon displayed that quickness of comprehension, blended with an ease in expression and gentleness of manners, though clothed with a prudent reserve, which have composed the leading features of his character through life. In the beginning of 1774, when the standard of liberty was erected in the Eastern states, Burr, then a youth of eighteen, left his academic pursuits to share in those laurels which were afterwards to constitute a new era in the history of the world, to teach kings that they had not derived the prerogative of power from the throne of Heaven, and to disclose to mankind the pleasing doctrine that they had only one sovereign to obey, the Creator of the universe.

Aaron Burr, though of a person slender and delicate, was not deterred from encountering the hardships of a winter campaign. Disdaining the advice and entreaties of his relations when the interest of his country was at stake, he joined the ranks under the brave Montgomery, and continued for several months unknown in the humble but honourable capacity of a private soldier. His merit soon raised him to the active station of aid-de-camp to that general, with whom he continued until the unfortunate attack on Quebec, the 31st of December, 1775, deprived America of the services of that illustrious officer.

After the death of General Montgomery, we find Aaron Burr in the army of General Putnam, with the rank of lieutenant-colonel. In the campaign of 1777, and autumn of that year, Colonel Burr signalized himself by the capture of a British piquet without the loss of a single man, although his party was inferior in number.

As this circumstance is not narrated in any of the histories of the revolutionary war, the particulars of it cannot be unacceptable to the American patriot. General Clinton lay across the bridge of Hackensack with about four thousand British

troops; the American army was stationed above. One evening about dark, Colonel Burr marched down with a company of twenty-four men to reconnoitre the enemy. At a little distance from the new bridge, he perceived the glimmering of a light, which proceeded from the enemy's piquet. He immediately halted, and having ordered a profound silence, he crossed the road to the opposite side of the way, and took his quarters under a chesnut tree: leaving his party, he went alone to observe the situation of the enemy, and got so near them as to obtain their watch-word. He returned a little before the break of day, and led his men directly between the piquet and the main body of the British troops; then dividing his small company into four divisions of six men each, he gave orders for two of them to attack on the front, one on the right and the other on the left, with a strict injunction not to discharge a musket. Having advanced within twenty-five or thirty paces, he was hailed by the sentinel, whom he immediately shot dead, then charged his enemy with fixed bayonets, and obliged the whole to surrender, consisting of one officer, a serjeant, a corporal, and twenty-seven men.

A circumstance occurred on this occasion, which will mark the strong enthusiastic zeal that British soldiers possess for the cause of their sovereign; and will even compel a tear of compassion to drop from the republican patriot.

One of the British soldiers alone attempted to resist; in the brave effort he received three bayonet thrusts, two before, and one behind; the wounds, however, were not so mortal as to prevent his endeavouring to accompany his fellow-prisoners, but he had not proceeded more than a quarter of a mile, when he was obliged to stop. Colonel Burr, with his usual humanity, went up to him, and thus addressed him; "My good fellow proceed a little farther and we will procure a surgeon to your relief." The veteran replied, (his last words) "Dear sir, all the doctors in America can do me no service, for I am a dying man; but it grieves me sore to the heart, to think I have served my king upwards of twenty years, and at length must die with a charged musket in my hand; had I discharged my piece I should not have regarded my life, but would have died with satisfaction."

Colonel Burr, soon after this affair, was appointed to a command at West Point, where he continued until the beginning of 1778, when indisposition interrupted, for a few months,

his military career. The first engagement in which he acted a part after his recovery, was at the battle of Monmouth; but by an unlucky arrangement of General Washington, he was placed in a situation where he was exposed to the British artillery, without the capacity either of saving the men under his command, or of injuring the enemy.

Towards the fall of this year, he accomplished, by a dexterous manœuvre, the destruction of a block-house in New Jersey, with a party of only sixty men, although the same was defended by fifty British soldiers. This act ought to be regarded as an exploit of the first magnitude, when it is remembered that General Wayne, with an army of two thousand men, nearly about the same time, made an unsuccessful attack upon another block-house, even inferior in strength.

Soon after this period, Colonel Burr, partly from the bad state of his health, and other reasons of an urgent nature, was under the necessity of retiring from the army, to the infinite regret of all who had witnessed his bravery, and knew the extent of his military talents.

Colonel Burr, after his retirement, gave his mind entirely to literary pursuits; and in the year 1789, was appointed attorney-general for the state of New York, which office he discharged with the greatest zeal and impartiality. In 1791, he was sent to the senate of Congress. That the reader may form some idea of the sentiments which Colonel Burr espoused, while a member of that honourable body, we have subjoined several of the most important bills for which he voted:

"That the conducting of the legislative and judicial powers of the Senate in public, and suffering an account of their measures and deliberations to be published in the newspapers, is the best means of diffusing general information concerning the principles, motives, and conduct of individual members; and that by withholding this information, responsibility becomes unavailing, the influence of their constituents over one branch of the legislature, in a great measure, annihilated, and the best security which experience has devised against the abuse of power and a mal-administration, abandoned."

"That it be a standing rule, that the doors of the senate-chamber remain open whilst the Senate shall be sitting in a legislative and judicial capacity, except on such occasions as in their judgment may require secrecy; and that this rule shall

commence and be in force on the first day of the next session of Congress."

"The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another state, or by citizens or subjects of any foreign state."

"That the President of the United States be requested to lay before the Senate, the correspondence which had passed between the minister of the United States at the Republic of France, and said Republic, and between said minister and the office of the secretary of state."

"That after the end of the then session of Congress, and as soon as suitable galleries shall be provided for the senate chamber, the said galleries shall be permitted to be opened every morning, so long as the Senate shall be engaged in their legislative capacity, unless in such cases as may, in the opinion of the Senate, require secrecy; after which the said galleries shall be closed."

"That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations as the postmaster-general shall provide."

"That from and after the thirtieth day of September, 1794, there be levied, collected, and paid upon all sugars which shall be refined within the United States, a duty of two cents per pound."

It is impossible to draw a character of Colonel Burr in more applicable and expressive terms than Governor Livingston has done of his father: "Though a person of a slender and delicate make, to encounter fatigue he has a heart of steel; and for the despatch of business, the most amazing talents joined to a constancy of mind that insures success in spite of every obstacle. As long as an enterprise appears not absolutely impossible, he knows no discouragement, but, in proportion to its difficulty, augments his diligence; and by an insuperable fortitude, frequently accomplishes what his friends and acquaintances conceive utterly impracticable."

The ancestors of Charles Cotesworth Pinckney were for three generations natives of South Carolina. His father was chief-justice of the colony of Carolina, and a member of the king's council. Charles Cotesworth was born in the year 1746; he was educated at the University of Oxford, in Eng-

land, where he gave early proofs of conspicuous talents. After finishing his classical education, he commenced and prosecuted the study of the law at the temple. He then passed a year at the University of Angers, in France, and made the tour of Europe before his return to his native state. The great length of time he had spent in accomplishing himself as a scholar and lawyer, at the first seminaries, enabled him to commence the practice of law at the bar of South Carolina with considerable eclat.

At the breaking out of hostilities between America and Great Britain, he commanded the first volunteer corps that was raised in Charleston, and encouraged the embodying of independent companies throughout the state: soon after, he was appointed a major in the first state regiment, of which General Gadsden was colonel commandant. He was afterwards promoted to the command of the first regiment. After the defeat, at Fort Moultrie, in 1776, of the British fleet under Sir Peter Parker, and of the army commanded by Sir Henry Clinton, the project of making an effective impression in the south, seemed to have been abandoned, and Colonel Pinckney believing that quarter would not very shortly be the theatre of active war, solicited General Washington's permission to leave his regiment, and repair wherever there should be most service to be seen and performed. He was desired to join the General's family, and acted for some time as his aid-de-camp.

As soon as it was known that the British had contemplated a second invasion of the southern states, Colonel Pinckney repaired to his command; headed his regiment in the assault on Savannah, and was present at most actions which were fought in Carolina previous to the fall of Charleston. When Charleston was a second time besieged, General Lincoln, the commanding officer, selected Colonel Pinckney as a fit officer to defend the important pass of Fort Moultrie. The surrender of Charleston gave him a prisoner to the British, in whose hands he continued until the peace.

In 1794, Colonel Pinckney was appointed commander-in-chief of the militia of South Carolina, which station be held until his memorable embassy to France. The particulars of that diplomatic expedition have been already narrated. As a soldier, General Pinckney deserves every encomium of applause; but as a political character, although he does not

possess so much integrity as Hamilton, yet it would be great injustice to place him on the same scale with Mr. Adams, or even the most virtuous of his adherents. General Pinckney possesses at least some principles of honour, and a share of judgment that will always prevent him from covering his country with infamy and disgrace.

CHAPTER XVI.

Meeting of Congress—President's Speech—French Treaty —Proceedings of the House of Representatives—Anecdotes of Mr. Adams—Election of the President and Vice-President—Observations on the Dismission of Pickering and M'Henry—Conclusion.

On Monday, November the 22d, Mr. Adams met both Houses of Congress in the Senate chamber, at the capitol in Washington; when he delivered the following speech:

"*Gentlemen of the Senate, and*

"*Gentlemen of the House of Representatives,*

"Immediately after the adjournment of Congress at their last session in Philadelphia, I gave directions, in compliance with the laws, for the removal of the public offices, records and property—these directions have been executed, and the public officers have since resided and conducted the ordinary business of the government in this place.

"I congratulate the people of the United States on the assembling of Congress at the permanent seat of their government; and I congratulate you, gentlemen, on the prospect of a residence not to be changed. Although there is cause to apprehend that accommodations are not so complete as might be wished, yet there is good reason to believe that this inconvenience will cease with the present session.

"It would be unbecoming the representatives of this nation, to assemble for the first time in this solemn temple, without looking up to the Supreme Ruler of the Universe, and imploring his blessing.

"May this territory be the residence of virtue and happiness! In this city may that piety and virtue, that wisdom, and magnanimity, that constancy and self-government, which adorned the great character whose name it bears, be forever held in veneration! Here, and throughout our country, may simple manners, pure morals, and true religion flourish forever.

"It is with you, gentlemen, to consider whether the local powers over the district of Columbia, vested by the constitution in the Congress of the United States, shall be immediately exercised. If in your opinion, this important trust ought now to be exercised, you cannot fail, while performing it, to take into view the future probable situation of the territory for the happiness of which you are about to provide.

"You will consider it as the capital of a great nation, advancing, with unexampled rapidity, in arts, in commerce, in wealth, and in population; and possessing within itself those energies and resources which, if not thrown away, or lamentably misdirected, secure to it a long course of prosperity and self-government.

"In compliance with a law of the last session of Congress, the officers and soldiers of the temporary army have been discharged. It affords real pleasure to recollect the honourable testimony they gave of the patriotic motives which brought them into the service of their country by the readiness and regularity with which they returned to the station of private citizens.

"It is, in every point of view, of such primary importance to carry the laws into prompt and faithful execution, and to render that part of the administration of justice, which the constitution and laws devolve on the Federal courts, as convenient to the people as may consist with their present circumstances, that I cannot omit, once more, to recommend to your serious consideration, the judiciary system of the United States. No subject is more interesting than this to the public happiness, and to none can those improvements, which may have been suggested by experience, be more beneficially applied.

"A treaty of amity and commerce with the king of Prussia has been concluded and ratified. The ratification has been exchanged, and I have directed the treaty to be promulgated by proclamation.

"The difficulties which suspended the execution of the 6th

article of our treaty of amity, Commerce, and Navigation with Great Britain, have not yet been removed. The negotiation on this subject is still depending. As it must be for the interest and honour of both nations, to adjust this difference with good faith, I indulge confidently the expectation that the sincere endeavours of the government of the United States to bring it to an amicable termination, will not be disappointed.

"The Envoys Extraordinary and Ministers Plenipotentiary from the United States to France, were received by the First Consul with the respect due to their characters; and three persons, with equal powers, were appointed to treat with them. Although at the date of the last official intelligence the negotiation had not terminated, yet it is to be hoped that our efforts to effect an accommodation will, at length, meet with a success proportioned to the sincerity with which they have been so often repeated.

"While our best endeavours for the preservation of harmony with all nations will continue to be used, the experience of the world, and our own experience, admonish us of the insecurity of trusting too confidently to their success. We cannot, without committing a dangerous imprudence, abandon those measures of self-protection, which are adapted to our situation, and to which, notwithstanding our pacific policy, the violence and injustice of others may compel us to resort. While our vast extent of sea-coast, the commercial and agricultural habits of our people, the great capital they will continue to trust on the ocean, suggest the system of defence which will be most beneficial to ourselves, our distance from Europe, and our resources for maritime strength, will enable us to employ it with effect. Seasonable and systematic arrangements, so far as our resources will justify, for a navy adapted to defensive war, and which may in case of necessity, be quickly brought into use, seem to be as much recommended by a wise and true economy, as by a just regard for our future tranquillity—for the safety of our shores, and for the protection of our property committed to the ocean.

"The present navy of the United States, called suddenly into existence by a great national exigency, has raised us in our own esteem, and by the protection afforded to our commerce, has effected, to the extent of our expectations, the object for which it was created.

"In connexion with a navy ought to be contemplated the fortification of some of our principal sea-ports and harbours. A variety of considerations, which will readily suggest themselves, urged an attention to this measure of precaution. To give security to our principal ports, considerable sums have already been expended, but the works remain incomplete. It is for Congress to determine whether additional appropriations shall be made, in order to render competent to the intended purposes the fortifications which have been commenced.

"The manufacture of arms within the United States, still invites the attention of the national Legislature. At a considerable expense to the public, this manufactury has been brought to such a state of maturity as, with continued encouragement, will supersede the necessity of future importations from foreign countries.

"*Gentlemen of the House of Representatives,*

"I shall direct the estimates of the appropriations necessary for the ensuing year, together with an account of the public revenue and expenditure to a like period, to be laid before you.

"I observe with much satisfaction, that the product of the revenue, during the present year, has been more considerable than during any former equal period. This result affords conclusive evidence of the great resources of this country, and of the wisdom and efficiency of the measures which have been adopted by Congress for the protection of commerce, and preservation of public credit.

"*Gentlemen of the Senate, and*

"*Gentlemen of the House of Representatives:*

"As one of the grand community of nations, our attention is irresistibly drawn to the important scenes which surround us. If they have exhibited an uncommon portion of calamity, it is the province of humanity to deplore, and wisdom to avoid, the causes which may have produced it. If, turning our eyes homeward, we find reason to rejoice at the prospect which presents itself; if we perceive the interior of our country prosperous, free, and happy; if we all enjoy in safety, under the protection of laws emanating only from the general will, the fruits of our own labour, we ought to fortify and cling to those institutions which have been the source of much real felicity, and resist, with unabating perseverance, the progress of those dangerous innovations which may diminish their influence.

"To your patriotism, gentlemen, has been confided the honourable duty of guarding the public interests; and, while the past is to your country a sure pledge that it will be faithfully discharged, permit me to assure you, that your labours to promote the general happiness will receive from me the most zealous co-operation.

"JOHN ADAMS.

"UNITED STATES, November 22, 1800."

The business which principally occupied the attention of Congress this session, was the French treaty, which was signed at Paris the 3d of September, 1800. As this treaty, next to the British, is the most important which the United States ever contracted, we have thought proper to subjoin a copy of it.

"The First Consul of the French Republic, in the name of the French people, and the President of the United States of America, equally animated with a desire to put an end to the differences which have arisen between the two states, have respectively nominated their plenipotentiaries, and invested them with full powers to negotiate upon these differences, and terminate them: that is to say, the First Consul of the French Republic, in the name of the French people, has nominated for plenipotentiaries of the said Republic, the citizens Joseph Buonaparte, ex-ambassador of the French Republic at Rome, and counsellor of state; Charles-Pierre Claret-Fleurieu, member of the National Institute, and of the office of longitude of France, counsellor of state, and president of the section of marine; and Pierre-Louis Rœderer, member of the National Institute, counsellor of state, and president of the interior; and the President of the United States of America, by and with the consent of the Senate of said states, has appointed for their plenipotentiaries, Oliver Ellsworth, chief justice of the United States; William Richardson Davie, late governor of North Carolina; and William Vans Murray, resident minister of the United States at the Hague.

"Who, after having exchanged their full powers, and patiently and carefully discussed their respective interests, have agreed to the following articles:

"1. There shall be a firm, inviolable, and universal peace, and true and sincere friendship between the French Republic and the United States of America, as well between their

countries, territories, cities, and places, as between their citizens and inhabitants, without exception of persons or places.

"2. The ministers plenipotentiary of the two parties not being empowered at present to agree relative to the treaty of alliance of the 6th of February, 1778, to the treaty of friendship and commerce of the same date, and to the convention of the 14th of November, nor to the indemnities mutually due and claimed, the parties shall further negotiate upon these points at a convenient time; and until they shall be agreed upon these points, the said treaties and convention shall have no effect, and the relations of the two nations shall be regulated as follows:

"3. The ships belonging to the state, taken on either side, or which may be taken before the exchange of ratifications, shall be given up.

"4. The properties captured and not yet definitely condemned, or which may be captured before the exchange of ratifications, except contraband merchandise destined for an enemy's port, shall be mutually restored upon the following proofs of property, viz.

"On the one part and on the other, the proofs of property relative to merchant vessels, armed or unarmed, shall be a passport in the following form:

"To all those to whom these presents shall come, be it known, that power and permission has been given to ——, master or commander of the vessel called the ——, of the city of ——, of the burthen of —— tons, or thereabouts, now lying in the port or harbour of ——, and destined for ——, laden with ——, that after his ship has been visited, and before his departure, he shall make oath before officers authorized for that purpose, that the said ship belongs to one or more citizens of ——; the execution of which form shall be annexed to these presents, in order that he may observe and cause to be observed by his crew the maritime ordinances and regulations, and give in a list, signed and attested, containing the names and surnames, places of birth and abode, of the persons composing the crew of his ship, and of all on board her, whom he shall not receive on board without the knowledge and permission of the officers authorized for that purpose; and in every port and harbour where he shall enter with his ship, he shall show the present permission to the pro-

per officers, and make to them a faithful report of all that has passed during his said voyage, and carry the colours, arms, and flags of the French Republic, or the United States, during his said voyage. In testimony of which we have signed these presents, caused them to be countersigned by ——, and thereunto put the seal of our arms.

"Given at ——, in the year of our Lord, ——."

"And this passport shall be sufficient without any other document, notwithstanding any other regulation to the contrary.

"It shall not be necessary to renew or revoke this passport, whatever number of voyages the said ship shall have made, unless they shall not have returned home within the space of a year.

"With respect to the cargo, the proofs shall be certificates containing an account of what place the ship has left, and where it is going to, so that prohibited and contraband merchandise may be distinguished by certificates, which certificates shall have been made by the officers of the place from whence the ship shall have set out, agreeable to the accustomed forms of the country. And if these passports or certificates, or both, shall have been destroyed by accident, or taken away by force, the want of them shall be supplied by every other proof of property, admissible according to the general usage of nations.

"For other ships besides merchant ships, the proof shall be the commissions they bear. This article shall take effect from the date of the signature of the present convention; and if by the date of the said signature, property shall have been condemned contrary to the spirit of the said convention, and previous to the knowledge of this stipulation, the property so condemned shall be restored or paid for.

"5. The debts contracted by either of the two nations towards the individuals of each, shall be acquitted, or the payment shall be in course, as if there had been no misunderstanding between the two states—but this clause shall not extend to indemnities claimed for captures or condemnations.

"6. The trade between the two parties shall be free—the ships of the two nations, and the privateers as well as their prizes, shall be treated in their respective ports as the most favoured nation; and in general, the two parties shall enjoy in each other's, with respect to commerce and navigation, the same privileges as the most favoured nations.

"7. The citizens and inhabitants of the United States may dispose by will, donations, or otherwise, of their goods, moveable or immoveable property, possessed in the European territory of the French Republic—and the citizens of the French Republic shall have the same power with regard to the goods, moveable and immoveable property, possessed in the territory of the United States, in favour of such persons as they shall think proper. The citizens and inhabitants of one of the two states, who shall be heirs of the goods, moveable and immoveable property, situate in the other, may succeed *ab intestat*, without there being any necessity for letters of neutrality, and without the effect of this stipulation being contested or impeached, under any pretence whatever—and the said heirs, whether by private right or *ab intestat*, shall be exempt from all right whatever of any one, in either of the two nations. It is agreed, that this article shall not derogate in any manner from the laws which are now in force in either of the two nations, or which may be promulgated hereafter against emigration. And also, that in case the laws of the two states shall limit to foreigners the exercise of the right of immoveable property, such immoveable property may be sold, or otherwise disposed in favour of the inhabitants or citizens of the country where they shall be situate; and it shall be open to the other nation to establish similar laws.

"8. To favour the commerce of both nations, it is agreed, that if war (which God forbid) should break out between the two nations, the merchants and other citizens, or respective inhabitants, shall be allowed on both sides six months after the declaration of war, during which period they shall have time to retire with their effects and moveables, which they may carry away or sell, as they think proper, without the least impeachment; their effects, and still less their persons, shall not, during the period of six months, be seized. On the contrary, they shall have passports which shall be valid for the time necessary to enable them to return home, and those passports shall be given for themselves, as well as for their ships and effects which they shall desire to take or send away. These passports shall serve as a protection against all insults and all captures on the part of privateers, as well with regard to themselves as their effects; and if within the term above mentioned, there shall have been committed by one of the parties, its citizens or inhabitants, any wrong

towards their person or their property, they shall have complete satisfaction.

"9. The debts due by individuals of one of the two nations, to the individuals of the other, shall not, in case of war or national dispute, be sequestered or confiscated, no more than the claims or funds which shall be found in the public funds, or in the public or private banks.

"10. The two contracting parties may nominate for the protection of trade, commercial agents, who shall reside in France and in the United States. Each of the parties may except such place as he shall judge proper, where the residence shall be fixed. Before any agent can exercise his functions, he must be accepted according to the received forms of the party to which he is sent, and when he shall be received and provided with his *exequator*, he shall enjoy the rights and prerogatives which are enjoyed by similar agents of the most favoured nations.

"11. The citizens of the French Republic shall not pay, in any ports, harbours, roads, countries, islands, cities, and places of the United States, other or greater duties, or imposts, of whatever nature soever they may be, and whatever names they may have, than those which the most favoured nations are or shall be bound to pay; and they shall enjoy all liberties, rights, privileges, immunities and exemptions, relating to trade, navigation, and commerce, whether in passing from one port of the said states to another, or whether in going there or returning from some part to another part of the world, that the said nations enjoy, or shall enjoy, and reciprocally the citizens of the United States shall enjoy in the territory of the French Republic, in Europe, the same privileges and immunities, as well for their goods as their persons, as for what concerns trade, navigation and commerce.

"12. The citizens of the two nations may conduct their vessels and their merchandises, (always excepting such as are contraband) from any port to another belonging to the enemy of the other nation. They may navigate, with full liberty and security, with their ships and merchandises, in the countries, ports, and places of the enemies of the two parties, or of the one or the other party, without obstacles or interruption; and not only pass directly from the places and ports of the enemy above mentioned to neutral ports and places, but from every place belonging to an enemy, whether it be or be not subject

to the same jurisdiction, unless those places or ports shall be really blockaded, besieged, or invested.

"And in case, as it often happens, when vessels shall be sailing for places or ports belonging to an enemy, ignorant that they are blockaded, besieged, or invested, it is agreed that every ship which shall be found under such a predicament, shall be turned from that place or port without any part of his cargo being retained or confiscated, (unless it shall be contraband, or it shall be proved that the said ship, after having been informed of the blockade or investiture, attempted to enter the same port) but it shall be allowed to go to any other port or place it shall think proper. No ship of either nation, entered into a port or place before it shall have been really blockaded, besieged, or invested by the other, shall be prevented from going out with its cargo; if it shall be there when the said place shall surrender, the ship shall not be confiscated, but sent away to the proprietors.

"13. To regulate what shall be understood by contraband warlike stores, under this denomination shall be comprised powder, saltpetre, petards, matches, balls, bullets, bombs, grenades, carcasses, pikes, halberts, swords, belts, pistols, scabbards, saddles, cannons, mortars with their carriages, and, generally, all arms and ammunition of war, and utensils for the use of troops. All the above articles, whenever they shall be destined for an enemy's port, are declared contraband, and justly subject to confiscation; but the ship in which they shall be laden, as well as the rest of the cargo, shall be considered as free, and shall in no manner be vitiated by the contraband merchandise, whether they belong to the same or different proprietors.

"14. It is stipulated by the present treaty, that the free ships shall equally insure the liberty of merchandise, and that all things shall be deemed free which are found on board ships belonging to the citizens of one of the contracting parties, even though the same, or part of it, shall belong to the enemies of one of the two; provided, nevertheless, that contraband goods are always excepted. It is likewise agreed, that this same liberty shall extend to persons who may be on board the free ships, though they should be enemies of the two contracting parties, and they shall not be taken from the said free ships unless they are in a military capacity, and actually in the service of the enemy.

"15. It is on the contrary agreed, that all property which shall be put, by the respective citizens, on board ships belonging to an enemy of either party, or their subjects, shall be confiscated without distinction of merchandise, prohibited or not prohibited, so and in like manner as if it belonged to an enemy, with the exception always of property and effects which shall have been put on board the said ships before the declaration of war, or even after the said declaration, if at the time of lading the party were ignorant of it; so that the merchandises of citizens of the two parties, whether they be in the number of contraband or not, which, as has been already said, shall have been put on board a ship belonging to an enemy before the war, or even after the said declaration of war, in ignorance of it, shall not be in any manner subject to confiscation, but shall be faithfully and truly given up without delay, to the owners claiming them: provided, nevertheless, that they shall not be permitted to carry into the enemy's ports, merchandise which shall be contraband. The two contracting powers agree, that after a term of two months has passed from the declaration, their respective citizens, in whatever part of the world they may be, shall be at liberty to plead the ignorance mentioned in this article.

"16. Merchant vessels belonging to citizens of either of the two contracting powers, when they shall have a mind to pass to the port of an enemy of the one or the other, and that their voyage as well as the nature of their cargo shall afford just cause of suspicion, the said ship shall be obliged to exhibit at high sea, as well as in ports and roads, not only their passports, but further their certificates, proving that these goods are not of the class of contraband specified in the 13th article of the present convention.

"17. And in order to prevent captures on frivolous suspicions, and the damage thence resulting, it is agreed that when one of the two powers shall be at war, and the other neutral, the vessels of the neutral party shall be provided with passports similar to those specified in the 14th article, so that it may thence appear that the parties belong to a neutral power. These passports shall be valid for any number of voyages whatever; but they shall be renewed every year, if the ship returns home within the space of a year. If these ships are laden, they shall be provided not only with the passports abovementioned, but also with certificates of the description

of those mentioned in the same article, that it may be known whether they have on board any contraband goods. No other papers shall be required, all usage and regulations to the contrary notwithstanding; and if it should appear from these certificates, that there is not contraband merchandise on board, the said ships shall be left to pursue their destination. If, on the contrary, it should appear from these certificates, that the said ships have contraband merchandise on board and the commander offers to deliver them up, the offer shall be accepted, and the ship left at liberty to prosecute her voyage, unless the quantity of contraband goods should be too great to admit of being taken on board the ship of war or cruisers; in this case, the ships shall be carried into port for the purpose of delivering the said goods.

"Should a ship be found with the passports or the certificates above required, the business shall be examined by competent judges or tribunals; and if it should appear from other documents or proofs admissible by the laws of nations, that the ship belongs to citizens of the neutral power, it shall not be condemned, and it shall be set at liberty with its cargo, (contraband goods excepted) and shall have leave to prosecute its voyage.

"Should the captain named in the passport happen to die or be removed, and another shall have been appointed in his place, the ship and cargo shall be nevertheless secure and the passport shall remain in full force.

"18. If the vessels belonging to citizens of the one nation or the other shall be met along the coast, or on the high seas, by any ship of war or cruiser belonging to the other, to prevent all disorder, the said ships or cruisers shall keep beyond the reach of cannon shot, and shall send their boat on board the merchant vessel so met with. They shall not be allowed to send on board more than two or three men to demand from the master or captain of the ship the exhibition of his passport concerning the property of said ship, executed agreeably to the form prescribed in the 14th article, as also the certificates above mentioned, relative to the cargo. It is expressly agreed, that the neutral captain shall not be obliged to go on board the visiting ship for the purpose of there showing the papers demanded, or for any other information whatever.

"19. It is expressly agreed by the parties, that the above stipulations relative to the conduct to be observed at sea, by

the cruisers of the belligerent party towards the vessels of the neutral party, shall apply only to ships sailing without convoy —and in cases when the said ships shall be convoyed, the intention of the parties being to observe all the respect due to the protection of the flag hoisted on board the ships of the state, no visit shall be made. But the verbal declaration of the commander of the escort, that the ships under his convoy belong to the nation whose flag he carries, and they have not any thing contraband on board, shall be taken by the respective cruisers as amply sufficient. The two parties bind themselves reciprocally, not to admit under protection of their convoys, any vessels carrying contraband merchandise destined for an enemy.

"20. In cases when the ships shall be taken or stopped, under alleged grounds of their carrying any contraband articles to the enemy, the captors shall give a receipt of the ship's papers which he shall detain, which receipt shall be subjoined to a declaratory list of the said papers. He shall not be permitted to force open the hatches, costers, chests, drawers, bales, &c. found on board ships, nor to carry off the smallest article of the effects, before the cargo has been disembarked, in presence of the officers competent to make an inventory of the said effects. They cannot in any manner be sold, exchanged, or alienated, unless, after a legal process, the competent judge or judges have passed upon the said effects, a sentence of confiscation, (excepting always the ship and the other objects that it contains.)

"21. In order that the vessel and the cargo may be watched with care, and in order to prevent mistakes, it is decreed, the master, captain, or supercargo of the captured ship cannot be taken from on board, either while the ship is at sea after being taken, during the proceedings against it, its cargo, or any thing relative to it.

"In case of the ship belonging to either party being taken, seized, and retained for judgment, its officers, passengers, and crew shall be treated with humanity—they cannot be imprisoned, nor deprived of their clothes nor pocket money, not exceeding for the captain, supercargo, and second, five hundred dollars each, and for the sailors and passengers, one hundred dollars each.

"22. It is moreover agreed on, that in every case the tribunals appointed in prize causes in the countries whither the

prizes shall be taken, shall alone be competent to try them; and every judgment which the tribunal of either party pronounces against a ship, or merchandise, or property reclaimed by the citizens of the other party, the sentence or decree shall make mention of the reasons or motives which have determined this judgment, of which an authentic copy, as well as of all the proceedings relative to it, shall, on their requisition, be delivered without delay to the captain or agent of the said ship, after paying the expenses.

"23. And finally, in order more effectually to provide for the respective security of the citizens of the two contracting parties, and to prevent the injuries to be feared from ships of war, or privateers of either party, all the commanders of ships of war or privateers, and all the citizens of both parties, shall refrain from all violence against one another, and from every personal insult. If they act in a contrary manner, they shall be punished, and bound over in their persons and properties to give satisfaction and reparation for the damage, with interest, of whatever kind the said damage may be.

"To this effect all the captains of privateers, before receiving their commissions, shall become bound before a competent judge, to give security by two responsible citizens at least, who shall have no interest in the said privateer, and whom each, as well as the captain, shall engage individually for the sum of 7000 dollars, or 36,820 francs; if the said vessels carry more than 150 sailors or soldiers, for the sum of 15,000 dollars,(73,670)francs, which shall serve to repair the damage that the said privateers, their officers or crews, or any of them, shall have committed during their cruise contrary to the disposition of the present convention, or to the laws and instructions which ought to be the rule of their conduct; besides this, the said commission shall be revoked and annulled in every case where an aggression has been committed.

"24. When the ships of war of the two contracting parties, or those which their citizens shall have armed, shall be admitted with their prizes into the ports of either of the two parties, the said public or private vessels, as well as their prizes, shall not be obliged to pay any duties, either to the officers of the place, or to the judges, or to any others. The said prizes entering the harbours or ports of one of the two parties, shall not be arrested or seized, and the officer of the place shall not take cognizance of the validity of the said

prizes, which are to be suffered to go out, and be conducted with full freedom and liberty to their ports, by the commissions which the captains of the said vessels shall be obliged to show. It is always understood, that the stipulations of this article shall not extend beyond the privilege of the most favoured nation.

"25. All foreign privateers having commissions from a State or Prince at war with the one or the other nation, cannot arm their vessels in the ports of either nation, or dispose of the prizes there, or in any manner exchange them. They shall not be allowed to buy provisions further than the necessary quantity to gain the nearest port of the State or Prince from whom they shall have received their commissions.

"26. It is further agreed, that neither of the two contracting parties shall receive pirates in its ports, roads, or cities, and shall not permit any of its inhabitants to receive, protect, support, or conceal them in any manner, but shall deliver up to due punishment such of its inhabitants as shall be guilty of the like acts or crimes; the ships of those pirates, as well as their effects and merchandise, shall be seized, wherever they shall be discovered, and restored to their proprietors, agents or factors, duly authorized by them, after having proved their right before judges competent to decide respecting the property.

"If the said effects have passed by sale into other hands, and the purchasers were or might be informed, or have suspected that the said effects were carried away by pirates, they shall be equally restored.

"27. Neither of the two nations shall interfere in the fisheries of the other upon its coasts, or disturb it in the exercise of the rights which it now has or may acquire on the coasts of Newfoundland, in the Gulf of St. Lawrence, or elsewhere on the coast of America, or in the north of the United States; but the whale and seal fishery shall be free for the two nations in all parts of the world.

"The convention shall be ratified on both sides in due form, and the ratification exchanged in the space of six months, or sooner if it be possible. In faith whereof, the respective plenipotentiaries have signed the above articles, as well in the French as in the English language, and have placed their seals, declaring, nevertheless, that the signature in two languages shall not be cited as an example, and shall not prejudice either of the two parties.

"Done at Paris, the 8th day of Vendemaire, the 9th year of the French Republic, and the 3d day of September, 1800.

"JOSEPH BUONAPARTE,
C. P. FLURIEU,
(Signed) RŒDERER,
OLIVER ELSWORTH,
W. R. DAVIE,
W. V. MURRAY.

"An exact copy,

"C. M. TALLEYRAND."

The above treaty was canvassed in the senate on the 8th of January, and agreed to, excepting the 2d and 3d articles, which were rejected. The rejection of these articles on the part of America, was both imprudent and impolitic; for by the rejection of the 2d article, the very intention and design upon which negotiation was commenced, was both opposed and defeated. Indemnities were not only virtually relinquished, but the proposal for appointing a convenient time to negotiate upon them, was rejected. The rejection of the 3d article necessarily followed that of the former, and this article seems to have been the true pretext for rejecting the preceding—but the obvious intention, in rejecting these articles, can only be traced to one source: the motives which actuated the desire for a war, actuated also the opposition to negotiation; for the same men who opposed the mission to France, opposed also the adjustment of differences upon principles of equity.

Mr. Bingham proposed the 19th article to be struck out, but his motion was negatived by a majority of fifteen.

The mode of proceeding in the election of President, in the event of the President and Vice-President's votes being equal, was brought before the House of Representatives, on the 9th of February. Messrs. Rutledge, Nicholas, Griswold, Macon, Bayard, Taliaferro, Foster, Claiborne, Otis, Davis, Morris, Champlin, Baer, Cooper, Linn and Woods, who were appointed the committee to arrange this business, presented the following resolutions, which were accepted of:

1. In the event of its appearing, upon the counting and ascertaining of the votes given for the President and Vice-

President, according to the mode prescribed by the constitution, that no person has a constitutional majority, and the same shall have been duly declared and entered on the journals of this house, the speaker, accompanied by the members of the house, shall return to their chamber.

"2d. Seats shall be provided in this house for the President and members of the Senate; and notification of the same shall be made to the Senate.

"3d. The house on their return from the Senate chamber, it being ascertained that the constitutional number of states are present, shall immediately proceed to choose one of the persons, from whom the choice is to be made, for President; and in case upon the first ballot there shall not appear to be a majority of the states in favour of one of them, the house shall continue to ballot for a President, without interruption by other business, until it shall appear that a President is duly chosen.

"4th. After commencing the balloting for President, the house shall not adjourn until a choice be made.

"5th. The doors of the house shall be closed during the balloting, except against the officers of the house.

"6th. In balloting, the following mode shall be observed, to wit: The representatives of the respective states shall be so seated, that the delegation of each state shall be together. The representatives of each state shall, in the first instance, ballot among themselves, in order to ascertain the vote of that state; and it shall be allowed, where deemed necessary by the delegation, to name one or more persons of the representation to be tellers of the ballots. After the vote of each state is ascertained, duplicates thereof shall be made; and in case the vote of the state be for one person, then the name of that person shall be written on each of the duplicates; and in case the ballots of the state be equally divided, then the word '*divided*' shall be written on each duplicate, and the said duplicates shall be deposited in manner hereafter prescribed, in boxes to be provided. That for the conveniently taking the ballots of the several representatives of the respective states, there be sixteen ballot boxes provided for the purpose of receiving the votes of the states—after the delegation of each state shall have ascertained the vote of the state, the serjeant at arms shall carry to the respective delegations the two ballot

boxes, and the delegation of each state, in the presence and subject to the examination of all the members of the delegation, shall then deposit a duplicate of the vote of the state in each ballot box; and where there is more than one representative of a state, the duplicates shall not both be deposited by the same person. When the votes of the states are all thus taken in, the serjeant at arms shall carry one of the general ballot boxes to one table, and the others to a second and separate table. Sixteen members shall be appointed as tellers of the ballots; one of whom shall be taken from each state, and be nominated by the delegation of the state from which he was taken. The said tellers shall be divided into two equal sets according to such agreement as shall be made among themselves; and one of the said sets of tellers shall proceed to count the votes in one of the said boxes, and the other set the votes in the other box—and in the event of no appointment of tellers by any delegation, the speaker shall in such case appoint. When the votes of the states are counted by the respective sets of tellers, the result shall be reported to the House, and if the reports agree, the same shall be accepted as the true votes of the states; but if the reports disagree, the states shall immediately proceed to a new ballot in manner aforesaid.

"7th. If either of the persons voted for shall have a majority of the votes of all the states, the Speaker shall declare the same; and official notice thereof shall be immediately given to the President of the United States, and to the Senate.

"8th. All questions which shall arise after the balloting commences, and which shall require the decision of the house, shall be decided without debate."

On Wednesday the 11th of February, according to the rules of proceeding established by the house, they proceeded to the senate chamber, where (Mr. Nicholas and Mr. Rutledge, the tellers on the part of the house, and Mr. Wells on the part of the Senate) the votes were counted and the result declared by the Vice President to be,

For Thomas Jefferson,	73	John Adams,	65
Aaron Burr,	73	C. C. Pinckney,	64
	John Jay,	1.	

The following table represents the return of votes from the different states:

Return of votes for President and Vice President of the United States.

	Jefferson.	*Burr.*	*Adams.*	*Pinckney.*	*No. Votes.*
New Hampshire,	0	0	6	6	6
Vermont,	0	0	4	4	4
Massachusetts,	0	0	16	16	16
Rhode Island,	0	0	4	3	4
Connecticut,	0	0	9	9	9
New York,	12	12	0	0	12
New Jersey,	0	0	7	7	7
Pennsylvania,	8	8	7	7	15
Delaware,	0	0	3	3	3
Maryland,	5	5	5	5	10
Virginia,	21	21	0	0	21
North Carolina,	8	8	4	4	12
South Carolina,	8	8	0	0	8
Georgia,	4	4	0	0	4
Tennessee,	3	3	0	0	3
Kentucky,	4	4	0	0	4
Total,	73	73	65	64	138

Rhode Island was the state which gave the single vote for Mr. Jay.

The tellers declared there was some informality in the votes of Georgia, but believing them to be true votes, reported them as such.

The Vice-President then, in pursuance of the duty enjoined upon him, declared, that Thomas Jefferson, and Aaron Burr, being equal in the number of votes, it remained for the House of Representatives to determine the choice.

The two houses then separated, and the House of Representatives returned to their chamber, where seats had been previously prepared for the members of the Senate—a call of the members of the house, arranged according to States, was then made; upon which it appeared that every member was present, except General Sumpter, who was unwell and unable to attend. Mr. Nicholson, of Maryland, was also unwell, but attended, and had a bed prepared for him in one of the

committee rooms, to which place the ballot box was carried to him, by the tellers appointed on the part of the state.

The first ballot was eight states for Mr. Jefferson, six for Mr. Burr, and two divided; which result continued to be the same after balloting thirty-five times. The thirty-sixth ballot determined the question; and rescued America from the hands of an administration, whose crimes will be long felt and ever remembered.

This important decision took place at twelve o'clock on the 17th of February. There appeared for Mr. Jefferson ten States, for Mr. Burr, four States, and the remaining two were blank ballots.

The states which voted for Mr. Jefferson, were, Georgia, North Carolina, Tennessee, Kentucky, Virginia, Maryland, Pennsylvania, New Jersey, New York, and Vermont. The states for Mr. Burr, were, New Hampshire, Massachusetts, Connecticut, and Rhode Island. The blank states were Delaware, and South Carolina.

Such was the result of the most important election which America had yet witnessed. The conduct of the federalists on this occasion, must be considered by impartial men of every party, to have been the most disgraceful that could have been adopted; for when disappointed by the voice of the people of having Mr. Adams returned as President, they used every possible means to throw their country into confusion—to effect which, they voted for Mr. Burr, in hopes that by this measure neither he or Mr. Jefferson would be elected, and that consequently the constitution would be dissolved.

That Mr. Burr had neither any intention or desire to be elected President, is evident from the following extract of a letter to General Smith—the sentiments of which do Mr. Burr the greatest credit.

"It is highly improbable that I shall have an equal number of votes with Mr. Jefferson. But if such should be the result, every man who knows me, ought to know, that I would utterly disclaim all competition. Be assured that the federal party can entertain no wish for such an exchange.

"As to my friends, they would dishonour my views and insult my feelings by a suspicion that I would submit to be instrumental in counteracting the wishes and expectations of the United Sates. And I now constitute you my proxy to declare these sentiments if the occasion shall require."

In approaching towards the close of federalism, the number of facts which display the profligacy of the late administration, are so many, that I have felt at a loss how to select or how to conclude the few remaining pages of this volume, in which I intended to have comprised the principal transactions that characterized the reign of Mr. Adams. Had they been of a favourable nature either to virtue or humanity, I certainly would have deemed it incumbent upon me rather to have sported with the patience of the reader, by extending the limits of the work, than to have omitted them; but viewing only an ocean of folly and vice, or, if I may be allowed the expression, a pandemonium of political intrigue, the sooner I withdraw from the painful scene, I trust will be more acceptable both to the liberal patriot and the less candid monarchist.

Committing the fires at Washington to the charge of some future historian, who may have it more in his power to expose to the public eye those Cataline conflagrations, I shall only glance at such circumstances as appear most important in the public and private history of Mr. Adams.

The dismissal of *Timothy Pickering* and *James M'Henry*, the former from the office of secretary of state, and the latter from that of secretary of war, with the appointment of General Marshall and Samuel Dexter to their places, have been generally supposed, and not without reason, to have proceeded from the political schism which took place at Trenton; but the original quarrel between Mr. Adams and Mr. Pickering, I have been lately informed, from the best authority, was of a longer standing. It arose upon the nomination of Mr. Johnson to the stamp office. Mr. Johnson was a tory, and adhered to or fled with the British after our revolution, and resided in England until within the last three years, where John Quincy Adams married a daughter of Mr. Johnson. Upon the nomination of this gentleman, *Mr. Pickering* had the honesty to offer his opinion against him. (*See Appendix.*)

Mr. Adams has had the credit of proposing to make the president's office hereditary in the family of Lund Washington, the General having no heirs. This fact, however, is not ascertained as to period or place, and it appears either contradictory or a mark of additional instability of character, when considered with another fact satisfactorily authenticated. At the manufactory of Seve, near Paris, there is made the finest porcelain in the world.—The directors of that work, soon

after the peace of 1783, had executed a miniature of General Washington, and another of Dr. Franklin, executed in porcelain, and beautifully ornamented. Over the bust of General Washington the courtly fancy of the artist had placed a regal crown, over that of the doctor, a cap of liberty. These miniatures were exhibited for some time in the chamber of Congress, and there Mr. Adams, with a pen-knife, mutilated the crown placed over the General's head. The doctor's miniature escaped the hand of the Goth, by the accidental interposition of a member of Congress. The porcelain miniature of the General exists still in its mutilated state, and it is believed is in the possession of Mrs. Washington.

The enmity which Mr. Adams exhibited against the memory of Dr. Franklin is also strongly marked by the persecutions of Mr. Bache, the grandson of Dr. Franklin. Upon the appointment of John Quincy Adams to the several embassies in Europe, there appeared in the newspapers, published by Mr. Bache, some strictures on the *nepotism* which Mr. Adams pursued in creating offices for his relations. A letter was addressed to Mr. Bache, calling on him, as the school-fellow of young John, to refrain from such strictures. The letter was in a female hand, and a gentleman who was acquainted with the hand-writing of Mrs. Adams, asserted it to be from her pen. Mr. Bache not choosing to comply with the request of a woman, when the interest of his country was at stake, suffered afterwards the most rigorous treatment from the whole family of our late President.

Parental affection may, in the breast of some, excuse Mr. Adams for employing his son in a sphere where he might acquire political knowledge; but it ought not to be forgotten, that it was at the public expense.

Some idea of the unnecessary expenses that were incurred during the administration of Mr. Adams may be formed from the following account of contingencies during the year 1800.

"*Gentlemen of the Senate, and*

"*Gentlemen of the House of Representatives.*

"I now transmit to both houses of Congress, in conformity to law, my annual account of the application of grants for the contingent charges of government for the year one thousand eight hundred.

"JOHN ADAMS.

"UNITED STATES, January 16, 1801."

"January 21, 1800.—To warrant No. 497, in favour of William Smith Shaw, for his expenses on a mission from Philadelphia to Mount Vernon, on public business, - - - - - -	$ 50
"December 31.—To balance unexpended on this day, and subject to the orders of the President of the United States, - - - - -	19,950
	$20,000

"December 31, 1799.—By grant of twenty thousand dollars, made by 'An act making appropriations for the support of government, for the year 1799,' passed on the 2d March, 1799, and which remained subject to the orders of the President of the United States, at the close of that year, according to a statement rendered under date of January 17, 1800,	$20,000

TREASURY DEPARTMENT, Register's Office, January 14, 1791.

"JOSEPH NOURSE, Register."

"TREASURY DEPARTMENT.

"December 30, 1800.

"I hereby certify, that I have examined and adjusted an account between the United States and Oliver Wolcott, secretary of the treasury, and find the sum of five hundred and ten dollars and eighty-four cents is due from the United States unto Edward Jones, his assignee; being the amount of expenses incurred by him on his removal from Philadelphia to the City of Washington, as appears from the statement and vouchers herewith transmitted for the decision of the comptroller of the Treasury thereon.—$510 84.

"R. HARRISON, Auditor.

"To JOHN STEELE, Esq. Comptroller."

"COMPTROLLER'S OFFICE.

"I admit and certify the above balance this thirtieth day of December, 1800.

"JOHN STEELE, Comptroller.

"To JOSEPH NOURSE, Esq. Register."

"Account of expenses incurred by Oliver Wolcott, in consequence of the removal of the government, from Philadelphia to the City of Washington:

	Dolls.	Cts.
"For chests and cases, and expenses of packing furniture,	152	45
"Porterage and other small expenses,	31	97
"House-rent in Philadelphia,	66	66
"Freight of baggage and furniture,	43	92
"Loss on the sale of sundry articles of furniture, (at least)	50	00
"Extra expenses at Philadelphia, and in travelling, and at the City of Washington,	165	84
	510	84

December 29, 1800.

"I authorise Edward Jones, Esq. to receive payment of the above account (of this statement) for my use.

OLIVER WOLCOTT.

"N. B. Part of my furniture remains at Philadelphia, the storage and removal of which will occasion further expense, which in my opinion, ought to be borne by the United States, and will accordingly be claimed by me when the amount of said expense is ascertained.

"OLIVER WOLCOTT."

The credulity with which Mr. Adams is possessed, cannot be better exemplified than by the following story:

In the summer of 1799, a person waited on Mr. Boudinot, director of the mint, and after soliciting a private interview, produced several ingots of metal of a dusky white colour, and left them with Mr. Boudinot, desiring that they might be assayed, and he would call again to learn the result, and make a very important discovery. The ingots were found to be one-half pure tin, the remaining half pure silver. The person on calling, informed Mr. Boudinot, that he had been so fortunate as to discover a chemical process, by which tin was converted into silver, and that the silver ingots which he had left were so produced. He suggested to Mr. Boudinot the advantages which the country would derive by having all its silver bullion

created at home, and that by a proper use of the secret, the mint might command the universe—that it was a dangerous thing for him to possess it, but that he was willing to engage with the mint to produce a given quantity exclusively for the mint. Mr. Boudinot was in raptures, and solicited the chemist to call upon him the next day. The director of the American mint waited directly on the President Adams, and to him communicated the secret. The whole of the conversation on this momentous discovery we cannot detail; but it appears that Mr. Adams was equally impressed with the importance and value of the secret, and expressed very serious apprehensions, that if the secret were not confined to himself, the director of the mint, and the alchemist, the power which it might give would not only endanger the government, but by the capacity which it gave of increasing the quantity of bullion, produce the same consequences as the discovery of the American mines had on the Spanish monarchy. The importance of preserving the secret inviolate and exclusively to themselves, was forcibly impressed, and the negotiation for securing it intrusted to the sagacity and discretion of the director.

On the next day the alchemist produced some more ingots, but alarms of the yellow fever were then general, and he pointed out the necessity of removing the furnaces, and erecting them at some safe distance from the city. A situation on the Delaware, in New Jersey, was named, and after some preliminaries as to the necessity of secrecy, of which the chemist appeared to be equally earnest with the director, there remained nothing more to be done than to remove the apparatus and procure the requisite quantity of the *raw material*. For these purposes, several hundred *hard dollars* of the vulgar silver of South America were advanced; and the chemist, to prevent any suspicions in the minds of those who might chance to see the ingots, took the *tin* ingots with a view to convert them into silver, and the silver ingots to pack up with the quantity that was to form the first delivery for public use.

The director left town along with others who were apprehensive of the contagion, and the chemist departed likewise. Upon the return of Mr. Boudinot to Philadelphia, he made inquiries for his friend the chemist, but unhappily without success; upon communicating this information to the President, he drily observed, the man must have died of the yellow fever, and perhaps fortunately for the world. But it appears that

Mr. Boudinot discovered that the man did escape the disease, but by some cause he had lost the secret so completely as not to be able to return the money advanced to carry on the process which was to have given Mr. Adams the command of the universe.

Extravagance characterized the measures of Mr. Adams. The benches of justice were filled with men who fought against American Independence, and those who have been since most active to destroy it. Mr. Adams determined and declared that he would nominate to the last hour of his presidential existence, and was not sparing of a species of insult to his successor which no man of civility could be guilty of.

There were several Senators nominated for judges under a law created by themselves, though the sixth section of the constitution declared, that "No senator or representative shall, during the time for which he was elected, be appointed to any civil office, uuder the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time." Yet Jacob Reed of South Carolina, Paine of Vermont, Green of Rhode Island, were nominated by Mr. Adams to the offices for the creation of which they voted.

The manner in which Mr. Adams departed from Washington after his power had ceased, has even received the censure of his warmest friends: in place of remaining to witness the inauguration of Mr. Jefferson like his illustrious predecessor, he ordered his carriage ready the moment the hour of twelve at night struck, and took his departure before sunrise, and bid a final adieu to the seat of American government.

APPENDIX.

Outrage on Mr. Schneider, of Reading, Penn'a, on the 20th of April 1799.

[Taken from the Reading Eagle, April 16, 1844.]

THE inclination of President Adams seemed determined to establish a strong government tending to monarchical powers, and by means of severe enactments to prostrate the free expression of popular opinion, at least as to his own official conduct.

In Northampton County, Pennsylvania, symptoms of tumult arose regarding a federal tax-collector, who immediately preferred a suit in the premises against sundry persons that had resisted his rude and unbecoming assaults; whereupon the officer of the law was sent from the United States Court to bring before them, at Philadelphia, the so-called offenders.

Resistance being made by the people to this groundless and unnecessary judicial interference, President Adams declared the counties of Northampton, Bucks, and Montgomery as in a state of rebellion, and at the same time ordered an army of twelve hundred regulars and volunteers, to march into those counties, in order to suppress the imputed outrage.

The spirit and temper of that army may be gleaned from an incident which occurred on the way, and from which a salutary warning was inculcated against the danger of a military power under the arbitrary will of a phrenzied leader.

On their way to Northampton a troop of cavalry passed through the town of Reading, and deeming themselves clothed with authority to suppress any meeting of the people, they signalized themselves by searching out the places of assemblage, and destroying the liberty poles, which, as an evidence of independence, were universally planted.

The people in the vicinity of these harmless but patriotic

symbols of freedom, taken by a guard of troopers, and amid threats of violence too often positively inflicted, were obliged to level to the earth the gallant hickories they had elevated.

These transactions were noticed by Jacob Schneider, a printer of a German paper in Reading, in his edition of the 9th of April, 1799, in the most truthful and fearless manner.

Upon their return from Northampton, the whole army passed through Reading on Saturday the 20th of April, 1799.

On that very day, whilst Schneider was engaged working at his press, a squad of armed troopers entered his printery, and in a commanding and insolent tone gave him notice to appear at the captain's quarters. Schneider, who had fought bravely in the revolution, felt as a citizen should who knew his hard-earned rights, and replied indignantly to the command, that "if the captain had anything to say, it was as near to come to the office, as it was for Schneider to go to him." They declared that he must go with them, and drawing their swords took him by force to the captain's quarters. The captain immediately ordered him to receive twenty-five lashes on his back in the public market-place, which was about being executed, when a portion of Captain Leiper's troop from Philadelphia interfered, and saved the gallant veteran from further contumely and violence.

Another among the numerous evidences of the disposition to good order and regular government which was often witnessed during the administration of Mr. Adams, deserves a passing notice.

On the 5th of October, 1799, at Pottsgrove, Montgomery county, Pennsylvania, a young man while in a public store, having expressed sentiments favourable to the election of *Judge M'Kean,* was most violently beaten and followed into the street by a certain *General!* who not only knocked the young man down, but otherwise used him inhumanly. The injured man went to a magistrate in that place; but he being the friend of *Mr. Ross,* the protection of the law could not be obtained; on the contrary, the young man was taken into custody and knocked down twice with a loaded whip, then carried along by an officer of the federal government, brother to the assailant, and tied with a rope, remaining in that cruel situation until next day, when the humanity of a guard placed over him induced them to untie the sufferer. On the

evening he was carried before the magistrate to whom he had applied for justice in the first instance, when this doubly injured young man was bound over to stand a trial for being beaten, falsely imprisoned, tied with a rope, and twice knocked down on his way to the magistrate's office.

Anecdote of President Adams and the Essex Junto.

During the prevalence of the yellow fever in Philadelphia, in 1798, the government was located at Trenton. During that summer, President John Adams made a visit to his home in Quincy (Mass.), and whilst there, Harrison G. Otis one morning meeting his friend William Lee, in State street, Boston, (late second Auditor of the Treasury at Washington, and a warm opponent of President Adams,) proposed to him to ride out and pay their respects to Mr. Adams. Lee objected on account of the political stand he had taken against the federal administration, and presuming he would not be a welcome visiter to his Excellency just at that time. Otis replied, that himself being a strong advocate to the President's principles, was a sufficient passport not only to the *President*, but to the whole *Essex Junto*. This decided Lee to go to Quincy with his friend. On arriving, they found Mr. Cabot, with a committee of the old Essex Junto who had come out to remonstrate against the appointment of *Mr. Gerry's* mission abroad. Otis, with his friend Lee, entered the room in the midst of the President's reply to the committee. He most cordially received them; and after inviting them to be seated, turned to the committee and continued in warm terms his positive and fixed determination in favour of *Mr. Gerry*, &c. Otis seeing the committee wince at the strong expressions from the President, and thinking himself an intruder in the eyes of the discomfited committee, all of whom were his political friends, gave a wink to Lee that it was high time to be off; and taking a hasty leave of the President and his speech to the federal committee, returned to Boston highly elated; and from that day *Lee* became a convert to the Adams dynasty for the independent and determined course which the President pursued toward the *Essex Junto Committee*.

LETTERS.

NOTE BY THE EDITOR.

THE following important and highly interesting letters from Mr. Adams to his friend and relative William Cunningham, Esq., late of Fitchburg, are inserted in an appendix to this volume by the editor, for the purpose of showing to the present and future generations, the trying situation and peculiar difficulties which at times surrounded Mr. Adams during his presidential term from 1798 to 1801, an early period of our now extended and growing Republic, *when*, as *now*, political aspirants panted for *power* and fame, seeming as if willing at one single throw to jeopardize its liberties for their own individual aggrandizement.

Mr. Adams by these letters, like a master-spirit, drags back upon the political stage, *those* who played so conspicuous a part during his administration, fearlessly drawing up the curtain, exhibiting to a wondering public the actors *unveiled*, calling each by his proper name, to be handed down to posterity in vindication of his own inability to perform, while unsupported and tampered with, in the *four act* political drama. In a word, showing that if an individual who has distinguished himself in literature, in science, in the arts, in the affairs of state, or in arms, does not exhibit *all* the virtues of which human nature in its varieties is capable, he is pronounced defective, and condemned accordingly. On the other hand, where the partiality of admiration would *make a character*, and the materials are inadequate to the structure, the individual is raised beyond his *level* by praises for frivolous qualifications, which, as they relate to human actions, are utterly *insignificant*.

In these letters Mr. Adams not only denounces unsparingly certain political characters who figured during his administration, but holds up the political *beacon* in such a position, that all may see and avoid ambition's fatal precipice, down which he was dragged by a people stigmatized as "*vulgar Democrats*," and doomed by them to a life of retirement.

From Mr. Adams to William Cunningham, Esq.

Quincy, February 24, 1804.

Dear Sir,—I have received your favour of the 15th, with its enclosures. I thank you for the outline as well as the eulogy. I am sorry you had the trouble of transcribing the former, which, I see, was written, as the Italians speak, *con amore*. Speaking of the classification of scholars in our college before the Revolution, you consider *rank* and *wealth* as anti-republican principles of precedence. Is this correct? About five and forty years ago, I was in company with the oldest colonel, John Chandler, of Worcester, when a newspaper was brought in containing an account of the last elections in Rhode Island. All the principal magistrates were of ancient families. The old gentleman's comment upon it was this: "I have always been of opinion, that in popular governments the people will always choose their officers from the most ancient and respectable families." This has been the case generally in Connecticut as well as Rhode Island, and in every republican government, in Greece and Rome, and modern Italy, in Switzerland and Geneva.

The more *democratical* the government, the more *universal* has been the *practice*. *If a family, which has been high in office, and splendid in wealth, falls into decay from profligacy, folly, vice, or misfortune, they generally turn democrats, and court the lowest of the people with an ardour, an art, a skill, and consequently, with a success which no vulgar democrat can attain.* If such families are numerous, they commonly divide. Some adhere to one party, some to another; so that, whichever prevails, the country still finds itself governed by them. Consider the conduct of the *Winthrops* in this state, the *Livingstons* in New York, the *Madisons* in Virginia, &c. The whole power and popularity of Virginia, I am told, is now in the family connexions of Mr. Madison. You are young, and have much time to observe and to reflect. In theory, all governments *profess* to regard *merit* alone, but in practice, *democratical* governments certainly regard it as little as any. You see I have reason to repeat my intimations of confidence. It certainly was never any "humiliation" to me to see thirteen of my classmates preceding me. I never thought much upon that subject.

Have you seen Mr. ——'s manifesto, proposing Mr. Sullivan for governor, and Mr. Heath for lieutenant-governor? —with what inimitable power of face it is written! These people talk with as much gravity and solemnity as if they thought they spoke *truth*. Do you know the character of Mr. ——? I have had some experience of his intrigues. Talents he has; but candour and sincerity belong to other people. Cool, dispassionate, and deliberate insidiousness never arrived at greater perfection.

From Mr. Adams to William Cunningham, Esq.

Quincy, March 15, 1804.

Dear Sir,—Your favour of the 9th is received. I beg you would not say a word about me in relation to the subject which you say now engages the public attention. I am no match for *these times*, nor for the *actors* who *now* tread the *stage*. You say, the awful spirit of *democracy* is in great progress. I believe it, and I know something of the nature of it. The *federalists* appear to me to be very inattentive to public events as well as characters. Mr. Sullivan's writings in the newspapers during the whole of the last year, under feigned signatures, his biographical sketch of Mr. Samuel Adams, and especially his pamphlet on the constitutional freedom of the press, have never been regarded, nor, that I know of, seen or read. The pamphlet ought to be read. There are good things in it, as well as notable traits of the character of the author. In all these writings his ambitious views are written with sunbeams. It will be a great thing if Brother *John Langdon** should be governor of New Hampshire, and *Sullivan*,† the second Governor Sullivan in New England. I don't wonder he was not willing that the *noble family of Sullivan* should be shut up in a hole. His ambition, if it was of a right character ought not be censured. There is an honourable, laudable, and virtuous ambition, but it is always attended with candour, sincerity, and veracity. With an abundance of laborious application, with an ardent imagination, and a tenacious, though inaccurate memory, with a volubility of eloquence, and a great deal of art, which, how-

* An uncle of the editor. † Connexion of the editor.

ever, never could conceal his art: there are faults in him, which, unless the people are more degenerated than I believe they are, will forever prevent him from being a successful rival to Mr. Strong. If he lives, I believe he will tease the national or state government into some appointment of him to something or other; for his modesty is but a very little restraint upon his solicitations.

From Mr. Adams to William Cunningham, Esq.

Quincy, September 27, 1808.

Dear Sir,—The papers, to number six, which you mention in your kind letter of the 19th, I have never seen nor heard. In what paper or pamphlet were they published?

The federalists, I think, might suffer my old lamp to go out without administering their nauseous oil, merely to excite a momentary flash before it expires.

Do you think the federalists believe themselves when they say that I am on the side of the executive, through the whole of his administration? Do they believe that I approve of the repeal of the *Judiciary Law*, which I recommended to Congress—which I believe to be one of the best of laws—which was made by the advice and repeated solicitations of the judges, for several years—which I took infinite pains to organize with a selection of the ablest men and fairest characters in the nation—a repeal which I always believe to be a *violation of the Constitution?* Do they believe that I approve of the neglect and mismanagement of the *Navy*—the omission to build more ships—the neglect to fortify our most important cities and exposed places? Do they believe that I approve of the repeal of the *taxes*, which would have enabled us not only to make the necessary preparations against the formidable dangers that surrounded us, but gradually to diminish the *national debt?* Do they believe that I approve of the *removal* of so many of the *best men*, or the *appointment* of so many of the *worst?* Do they believe that I approve of twenty other things, too many to be enumerated? Oh no! they believe no such things. But they are conscious they have injured me and mine, and are only forging false and awkward excuses for it. It is true, I have not joined in

the clamours against the purchase of *Louisiana*, because I know, that *if* the union of the Northern, Southern, and Western States was to continue, the *free* navigation of the Mississippi was essential to its preservation. I have not joined in the clamours against gun-boats, *though I despise* them, because I thought *gun-boats* better than nothing, and because I thought the government ought not to be opposed in any measures of defence, merely because they would not adopt such as *I* thought the best. I have not clamoured against the *embargo*, because I thought it a necessary temporary measure, well knowing that it could not be of long duration. I agree with you, that it ought to have been limited to some period. Any long continuance of it is not comfortable to my feelings or judgment. I had much rather hear a *cry* in Congress, like that which has so often sounded in the British Parliament, "*Who shall dare to set limits to the commerce and naval power of this country?*" In refusing to acknowledge a right in Great Britain to impress seamen from our ships—in opposing and resisting the decrees and orders of France and England—in resisting the outrages and hostilities committed upon us, the administration have my hearty wishes for their success.

Mingled fear and rage are now the predominant passions of our nation, and such is the noise and fury that the still small voice of *reason* cannot be heard. *If I were only forty years old, I might have enthusiasm enough to hope that I could ride in the whirlwind.* But at *seventy-three* it would be delirium. As I am not consulted by any party or any individual, I take no share, and very little interest in the approaching election. *Hamilton's ambition, intrigues, and caucuses* have ruined the cause of *federalism* by encumbering and entangling it with men and measures that ought never to have been brought forward. I have no objection to *Pinckney*, but a full persuasion that *he* can never rise to the chair, and, a more complete conviction still, that *he* ought never to have been nominated for it.

As you have mentioned my son (John Quincy Adams), I shall take the liberty to say, that *his* conduct, as far as I know it, has been able, upright, candid, impartial, and independent. His letter to *Mr. Otis* I applaud and admire. His resignation I approve. *He would have been more politic if he had declined his invitation to the caucus*, though the ques-

tion was only between Mr. Madison and Mr. Monroe, and knowing both, I should certainly, as he did, prefer the former to the latter.

The policy of a limitation to the *Embargo*, is, in a national view, and on a large scale, a nice question. I should, probably, have been for it; but there is so much to be said on the other side, that I cannot censure my son for agreeing to it, without limitation, believing, as he did, and had reason to believe, that it would soon be repealed. The *federalists*, by their intolerance, have gone far towards justifying, or at least excusing Jefferson for his; and for the future, it seems to be established as a principle, that our government is forever to be, not a *national* but a *party* government. How long such a maxim can be maintained consistently with any civil government at all, time will determine. While it lasts, all we can hope is, that in the game at *leap frog*, once in eight or twelve years the party of the OUTS will leap over the head and shoulders of the INS. For, I own to you, I have so little confidence in the wisdom, prudence, or virtue, of either party, that I should be nearly as willing that one should be absolute and unchecked as the other.

From Mr. Adams to William Cunningham, Esq.

Quincy, Oct. 15, 1808.

DEAR SIR,—The information in your last letter, to look in the Palladium for certain speculations, is very agreeable. As I have never subscribed for that paper, I have never read them. Indeed I seldom see it.

Your friendship for John Q. Adams, encourages me to say, that *Washington* was indeed under obligations to him, for turning the tide of sentiment against *Genet*, and he was sensible of it, and grateful for it. The enthusiasm of Genet, and France, and the French Revolution, was at that time, almost universal throughout the United States; but, in Pennsylvania, and especially in Philadelphia, the rage was irresistible. *Mifflin*, *M'Kean*, and all the principal popular men in that state, were openly for war against England in alliance with France. Marat, Robespierre, Brissot, and the *Mountain*, were the constant themes of panegyric, and the daily toasts

at table. Governor Mifflin invited me to dine with him; *Genet* and his suite were there, with many others of the principal men of Philadelphia. The governor gave for a toast, "The ruling powers in France—may the United States of America in alliance with them, declare war against England."

Mifflin perceived that I did not drink his toast; and as I sat next to him, he whispered to me in a friendly way, "I know I shall be too high for you, and therefore no offence will be taken if you withdraw from the company." I accordingly took French leave. Jonathan Dickenson Sargeant, and Dr. Hutchinson, two old revolutionary Americans, extremely popular, put themselves at the head of the mob. *Washington's house* was surrounded by an innumerable multitude, from day to day, huzzaing, demanding war against England, *cursing* WASHINGTON, and crying success to the French patriots and virtuous republicans. Frederick A. Muhlenberg, the Speaker of the House of Representatives, toasted publicly, "*The Mountain*—may it be a pyramid that shall reach the skies." J. Q. Adams's writings first turned this tide, and the yellow fever completed the salvation of *Washington*. Sargeant and Hutchinson died of it. I was assured soon after by some of the most sensible, substantial, and intelligent of the *Quakers*, that nothing but the yellow fever saved *Washington* from being dragged out of his house, or being compelled to declare war against England. Not all Washington's ministers, Hamilton and Pickering included, could have written those papers which were so fatal to *Genet*. Washington saw it, and felt his obligations. He took great pains to find out the author. The first notice I had of his design to appoint my son (J. Q. Adams) to a mission abroad, was from his secretary of state, Randolph, who told me he had been ordered to inquire of the members of congress, and others, concerning the life and character of J. Q. Adams, and he was that day to report in favour of his appointment. His correspondence with government, and with his private friends, was so universally admired, and especially by Pickering and Washington, that the latter not only felt his present obligations, but remembered the past.

Mr. Pickering's conscience, if it was faithful to its trust, must have suggested to him very sufficient reasons for his removal. If his memory is not decayed, he may easily now recollect them. Cæsar's wife must not be suspected, was all

the reason he gave for repudiating her. Reasons of state are not always to be submitted to *newspaper discussion*. It is sufficient for me to say, that I had reasons enough, not only to satisfy me, but to make it my indispensable duty. Reasons which, upon the coolest deliberation, I still approve. I was not so ignorant of Mr. Pickering, his family relations, his political, military, and local connexions, as not to be well aware of the consequences to myself. I said at the time to a few confidential friends, that I signed my own dismission when I signed his, and that he would rise again, but I should fall forever. The reason you heard in Philadelphia was quite sufficient, if there had been no other; but there were many others, and much stronger reasons. His removal was one of the most deliberate, virtuous, and disinterested actions of my life. If any future historian should have access to the letter-books of the secretaries of state, and compare Mr. Pickering's negotiations with England, with those of his successor, *Mr. Marshall*, he will see *reasons* enough for the exchange of ministers. In consequence of Mr. Pickering's removal, I was enabled to negotiate and complete a peace with France, and an amicable settlement with England. This is reason enough. Mr. Pickering would have made a good collector of customs; but he was not so well qualified for a secretary of state. He was so devoted an idolater of *Hamilton*, that he could not judge impartially of the sentiments and opinions of the President of the United States. Look into Hamilton's *pamphlet*. Observe the pretended information of things which could have only passed between me and my cabinet. False and abusive as they were, where could he pretend to have derived them? But I am not yet to reveal the whole mystery.

From Mr. Adams to William Cunningham, Esq.

Quincy, November 7, 1808.

Dear Sir,—The letter of General Washington would have remained in obscurity forever as far as I know, as it has done for twelve years past, had not a mean vengeance been hurled on the subject of it, for no other offence than his sterling integrity.

You are the first person, except one, who ever asked me a question concerning the reasons for releasing a certain gentle-

man from the burthen of public office. That one was Barnabas Bidwell, in the violence of the tempest occasioned by the Presidential election in 1800. Believing his curiosity to be invidious, I gave him a civil but short answer, that he was a man of too much information not to perceive the impropriety of my complying with his request. * * * * * What is it you require of me? Nothing less than a volume which I have neither eyes, nor hand, nor time, nor inclination to write; because it must contain the *portraits* of all my five ministers: of a *Dayton*, a *Hillhouse*, a *Goodhue*, in the senate; of an *Otis*, a *Sitgreaves*, a *Bayard*, and a *Harper*, and several others in the house, with a *Hamilton* behind the scene; of a *M'Donald*, a *William Moore Smith*, agent for the British creditors, a *John Ward Fenno*, and a *Porcupine Cobbett*, and many others out of doors. I have not mentioned a *Liston*, nor a *Bond;* because whatever their secret influence might be, they were at least discreet. The subterranean intrigues, as well as the overt acts, must be developed and described.

The gentleman has wreaked his revenge on my son, in letters which show the character of the man—bitter and malignant, ignorant and jesuitical. His revenge has been sweet, and he has rolled it as a sweet morsel under his tongue.

Suppose I should tell you, that the studies of his early youth, and of his riper years, had not been competent to the profound investigation which his office required. We had discussions of great importance with France, England, and Spain, especially the two former, involving questions respecting neutral rights, respecting British and Tory claims of anti-revolutionary debts—I could get nothing done as I would have it. My new minister, *Marshall*, did all to my entire satisfaction. Suppose I should say he was very superficially read in the law of nations. Suppose I should say he was very far from any familiar and extensive acquaintance with the laws of England; and, indeed, of his own land. Who would believe me? The gentleman *himself* would believe me, because *he* is conscious of it, but he would not be likely to *confess* it in public. Perhaps half a dozen, or a dozen men in the union know it; but they would be very unwilling to testify to it. Would it be decent, would it be possible, for a *President* to publish such reasons, and enter into endless disputes in the newspapers to support them?

His *intrigues* with senators in opposition to *me*, and to

measures I had adopted, and nominations I had made, led the *Senate* into violations of the constitution, particularly in the nominations of *Mr. Murray*, *Mr. Gerry*, and *Col. Smith*. His *encharnament* against *Mr. Gerry*, whose negotiations were more useful and successful, than those of either of *his* colleagues, was so furious, that he urged upon me a report containing a *philipic* against *Gerry* as violent and outrageous as it was *false* and *groundless*. I blotted it out, but he was so angry at it, that he scarcely treated me with decency. I finally, however, admitted some expressions to pass which I am *now* very sorry for.

In every step of the progress of the negotiations with France, *he* opposed, obstructed, and embarrassed me to the utmost of his power, and in some instances, *with the secret aid of Hamilton*, as I suppose, had the *art* to get all the other *four* of my ministers to join him.

Before I left Philadelphia, I had called together all the five heads of departments, to consult upon instructions to *Mr. Ellsworth*, *Mr. Davie*, and *Mr. Murray*, in their negotiations with France. We had met several days and discussed every point in controversy. We had reasoned, and examined, and convinced one another, until we had agreed *unanimously* upon every article, and reduced the whole to writing. I gave it to the secretary of state, to reduce it into form, correct the language where it wanted any alteration, make a fair copy, and send it as soon as possible to me at Quincy for revision and correction, that I might sign the instructions to be delivered to the envoys.

Arrived at Quincy, I expected them by every post. Week after week passed away, and *no instructions arrived*. I was uneasy, because our *envoys* ought to be upon their passage. After a long time, instead of *instructions*, came a letter to me signed by *all* five of the heads of departments, advising and most earnestly intreating me to suspend the *embarkation of the ministers*. This trifling, this negligence of duty, this downright disobedience of *my orders*, most seriously alarmed me. *I* was responsible *alone*, to my country for *measures* which I knew to be indispensable to avoid a war *abroad* with France, and a *civil* war at home, while we were involved and embroiled with England in very difficult controversies, and I could get *nothing done*. I very coolly, however, preserved my temper, and set off immediately for *Trenton* to meet *my*

gentlemen, face to face. At Trenton I found the *gentlemen* had wrought themselves up to a perfect enthusiasm and delusion. They appeared to be fully convinced that the first ship would bring intelligence of the restoration of Louis XVIII. *Suwarrow*, at the head of a *Russian* army, on one side, and *Prince Charles*, at the head of an *Austrian* army, on the other, were to conduct Louis XVIII. to Paris and Versailles, in splendour and triumph. I preserved my temper very happily—called my ministers together, heard all their reasons with the utmost coolness and candour, gave my reasons and opinions in answer to theirs, and decided that the instructions *should be finished* and the embassadors embarked as soon as possible—*which was done*; and they brought back *peace abroad and at home*. I found *Hamilton* at Trenton. He came to visit me. I said nothing to him upon politics. He began to give *his* advice *unasked*. I heard him with perfect good humour, though, never in my life, did I hear a *man* talk more like a *fool*. "The English nation had the most perfect confidence in *Mr. Pitt*, and Mr. Pitt was *determined* to restore the house of *Bourbon;* the two Imperial Courts were also *determined* to restore the *Bourbons;* their armies were triumphant, Louis XVIII. would be in glory at Versailles before *my* ministers could arrive there; offence would be taken at *my* sending a mission to the Directory," and twenty other wild extravagancies, in the same style of *dogmatical confidence*. I answered every one of his topics with candour and temper, in too long a detail to be repeated here. Time has shown that *I* was right, and *he* wrong in every particular. They had even wrought upon Mr. Ellsworth to believe that the *Bourbons* would be restored before winter. *He* and *Mr. Davie*, at dinner alone with me, conversing upon the subject, *Ellsworth* let fall an expression to that purpose, when I turned to him and said, "Mr. Ellsworth, do you seriously believe that the *Bourbons* will be restored so soon? He answered, "Why, it looks a great deal so." Upon that, I said to them both, "Gentlemen, you may depend upon it, the *Bourbons* will not be restored these seven years, if they ever are. I request you, *seven years hence*, to recollect what *I now say to you*," and I supported my opinion by a long argument drawn from the nature and history of all coalition, from the waste of northern armies by sickness and desertion in France, from that forest of fortifications with which France is every-

where defended, from the property now possessed by revolutionary men, and especially from the enthusiasm and revolutionary fury that still possessed the people of France. Mr. Ellsworth, however, behaved throughout with perfect propriety, and Mr. Davie was of *my opinion* in all points.

You shall *now* give me *your* opinion, whether I was in the wrong in giving *Mr. Pinckney his conge.* He is, for anything I know, a good *son, husband, father, grandfather, brother, uncle,* and *cousin;* but he is a man in a *mask,* sometimes of *silk,* sometimes of *iron,* and sometimes of BRASS; and he can charge them very suddenly, and with some dexterity, as I could show you in many instances, though I have said little or nothing about him, till *now,* for nine or ten years.

From Mr. Adams to William Cunningham, Esq.

Quincy, November 25, 1808.

DEAR SIR,—I have your favours of the 12th and 16th of the month. The letter of President Washington, concerning John Quincy Adams, is at your discretion to make what use of it you please. All the communications concerning the *other* gentlemen, made, or to be made, I confide to your sacred confidence.

* * * * * * *

As, against all the vile slanders, which have been published, I have never said or written a word in *my own* vindication, I am not about to begin by a justification of myself for one of the most virtuous actions of my life. If my actions have not been sufficient to support my fame, let it perish. No higher ambition remains with me than to build a tomb upon the summit of the hill before my door, covered with a six-foot cube of *Quincy granite,* with an inscription like this:

Siste Viator!
With much delight these pleasing hills you view,
Where Adams from an envious world withdrew,
Where, sick of glory, faction, power, and pride,
Sure judge how empty all, who all had tried,
Beneath his shades the weary chief repos'd,
And life's great scene in quiet virtue clos'd.

To return to the famous gentleman. He is extremely susceptible of violent and inveterate prejudices; and yet, such

are the contradictions to be found in human characters, he is capable of very sudden and violent transitions from one extreme to an opposite extreme. Under the simple appearance of a *bald head* and *straight hair*, and under professions of profound republicanism, he conceals an ardent ambition, envious of every superior, and impatient of obscurity. I always think of a coal-pit, covered over with red earth, glowing within, but unable to conceal its internal heat for the interstices which let out the smoke, and now and then a flash of flame. He has been several years in senate, but so totally obscure and insignificent, as to keep him in agony. Almost always in a minority of two, three, four or five, in thirty-four, rarely saying anything that has been worth reporting, he broke out at last in a rage, and threw a fire-brand into our Massachusetts legislature, against his colleague. The stubble was dry, and the flame easily took hold. He has a hereditary right to this distinction: I mean a strong desire of celebrity, with feeble means of obtaining it. If ever you should see the Salem newspapers, published forty or fifty years ago, you will find them abounding with the writings of the good deacon, his father, in vindication of the rights and prerogatives of the first church in Salem. He became so emboldened by the noise he made, that he wrote and published several letters to the king, subscribed with his name. One part of the public was amused, another diverted, and a third fatigued with his ostentatious vanity for some years.

Some thirty-five or thirty-six years ago, I was engaged in a cause at Salem court, in which the *deacon* was a witness. While he was under examination, though I treated him with the utmost respect and civility, he broke out without the smallest provocation into a rude personal attack upon me. I was then, as a son of *liberty*, obnoxious to the judges, to the government, to the British ministry, and to the king. Though I was astonished at the deacon's manners, I took no notice of them, till I came to examine his testimony in my argument to the jury. I then said I could not account for his unprovoked animosity to me, an entire stranger to him, unless he meant to recommend himself to somebody to whom I was obnoxious, and I should not be surprised, if in his *next letter to the king*, he should do me the honour to denounce *me* to his *majesty*. This little sally raised a general laugh at the *deacon's expense*,

and, as I suppose the *son* was present, he has never forgiven me.

The concatenation of little and great events in this world is often very whimsical and very ridiculous. Have you never seen the *son's* speech to the Indians in 1794, or thereabouts? If you have not, I may send you a copy of it. Great light may be thrown upon his character by this document. No man I ever knew had so deep a contempt for *Washington*. I have had numerous proofs of it from his own lips; yet he appears to the world a devout adorer of him. No man was a more animated advocate for the *French*; yet now he is as zealous for the *English*. But enough of this unpleasant subject. I thank you for the two numbers of *Chatham*, which discover a good deal of reading and reflection.

From Mr. Adams to William Cunningham, Esq.

Quincy, December 13, 1808.

Dear Sir,—Your favour of the 3d and 10th were received. The 2d and 3d volumes of the *Defence* are at your service, provided I had any means of conveyance for them. But the first volume is not in my power, having none that I can spare. An edition of the first was printed in Boston, perhaps some copies of it remain there: but I know nothing of it—I laughed when I read your expectation that what you had written on John Quincy Adams, would be printed. I found that you was not acquainted with the world as it exists in Boston. The four *federal* papers are under the *imprimatur* of an oligarchy of purse-proud speculators as despotic as the thirty tyrants of Athens. Trials enough have been made, as I have been informed, to insert many things on the same subject, and refused. You will destroy all your credit if you persevere in such attempt. Banks and other vile pranks, have thrown the majority into the hand of those, who were shapen in toryism, and in British idolatry, did their mothers conceive them.—Beware then how you offend this inimitable race of refugees. Whatever friendship you may have retained for John Quincy Adams, or his father, I advise you to conceal it close within your own breast. If it takes air it will ruin your prospects.

I have been too much occupied with other things to think of the wise man of Salem. Time enough—be patient.—Your designation of Mr. John Quincy Adams, to the office Mr. Madison now holds, will be as erroneous, as the other to that of Vice President. Mr. Giles, Mr. Monroe, Mr. Pope, Mr. Mitchell, Mr. twenty others will be more likely. No! Mr. Adams must be left where he is. He is now at his ease and is happy, and useful—more useful perhaps than he could be in any other public station in these times of anarchy, violence, and fury. No! The old *whigs* and their *posterity* must all go into obscurity, and all the public offices must be monopolized by the blood of the old refugees—*Mr. Gore*, the son of one *refugee*, must be governor. *Mr. Pickman*, a son of another *refugee*, must be a member of congress from the old tory county of Salem. *Mr. Edward Hutchinson Robbins*, a nephew of the sovereign pontiff of *toryism*, must be a counsellor and member of congress. *Mr. Lloyd*, the son of another *tory* as orthodox as any of the refugees, must be a senator, &c. &c. &c. The old *whigs*, dead or living, will soon be in sufficient *obscurity*, and the *revolution* in sufficient *disgrace*. The whigs had been reduced to the necessity of choosing Mr. Sullivan. He is now departed and probably will be the *last* of the *whigs*. The *tories* I suppose are sanguine that they shall have Mr. Gore in the spring. There seems to be among them, however, some suspicions that they are not secure in this hope—I conclude so, because I hear, that among them other persons are contemplated—Mr. Gray of Salem has been mentioned, and Mr. Parker, the Judge of the Supreme Court. This gentleman is said to be in high esteem and admiration in the District of Maine, where the election has been sometimes decided. In Worcester, Hampshire, and Berkshire, I expect to hear that Mr. Sedgwick will be nominated, unless they should return to my old friend, Governor Strong. The republicans will no doubt adhere to Mr. Lincoln. Both parties, however, will be directed by their caucuses, which are established by custom as part of the constitution, as much as party principles are, or party intolerance. *I may mention to you in confidence*, that *considerable pains have been taken to pnrsuade your friend John Quincy Adams to consent to be run by the republicans. But he is utterly averse to it*, and so am I, for many reasons, among which are, 1st. The office, though a precious stone, is but a carbuncle

shining in the dark. 2d. It is a state of perfect slavery. The drudgery of it is extremely oppressive. 3d. *The compensation is not a living for a common gentleman.* 4th. He must resign his professorship. 5th. He must renounce his practice at the bar. 6th. He must stand in competition with Mr. Lincoln, which would divide the republican interest and certainly prevent the election of either. 7th. IT WOULD PRODUCE AN ETERNAL SEPARATION BETWEEN HIM AND THE FEDERALISTS, at least that part of them who now constitute the absolute oligarchy. This I own, however, I should not much regret; for this nation has more to fear from them than any other source. 8th. Finally, and above all, there is as little prospect of doing any good as acquiring any honour or receiving any comfort. For these reasons, I am decidedly against the project, and so is he. Private station, in my opinion, has no equal for him. Be so good as to tell me who are in nomination in your neighbourhood.

From Mr. Adams to William Cunningham, Esq.

Quincy, January 3, 1809.

DEAR SIR,—I have your favours of December 17th and 21st. I hope you will not insinuate a comparison between John Quincy Adams and Coriolanus. Whatever injustice or ingratitude may be done him, he has none of the *Roman's* revenge, much less his treachery. Of Mrs. Warren's History I have nothing to say. The Count De Vergennes was an accomplished gentleman and scholar, and a statesman of great experience in various diplomatic and other ministerial stations. In treating with other nations, he considered the interest of his own country, and left others to take care of theirs. His refinements were not invisible. His negotiations were very like those of the British cabinet with us at this day. All I have to say is, that all European cabinets and ministers are very much alike: and our only security against them is in our own fortitude, and the sense and integrity of our own ministers. Have *you* seen any wondrous skill in our foreign ambassadors for some years past?

I have sent to the Indian Queen the 2d and 3d volumes of a work which the English editor of the 2d edition calls a "His-

tory of Republics." It may be called *The American Boudoir.* What is a *boudoir*? It is a *pouting-room.* And what is a *pouting-room*? In many gentlemen's houses in France, there is an apartment, of an octagonal form, twelve or fifteen feet across, or thirty-six or forty-five feet round; and all the eight sides, as well as the ceiling overhead, are all of the most polished glass mirrors: so that, when a man stands in the centre of the room he sees himself in every direction multiplied into a row of selves, as far as the eye can reach. The humour of it is, that when the lady of the house is out of temper, when she is angry, or when she weeps without a cause, she may be locked up in this chamber to *pout*, and to see in every direction how beautiful she is. There are settees and chairs round the sides, and commonly a *bath* in the centre, which may be made hot or cold. So that persons may see themselves in every posture. Such a *boudoir* is the "Defence." Our states may see themselves in it, in every possible light, attitude, and movement. They may see all their beauties, and all their deformities. Happy they who are made cautious by others' dangers!

I return the editor's letter, which, with a thousand other things, concur to show that certain presses are under the control of an *aristocracy of bankers*, led by the nose by an *oligarchy of Shylocks*, all sycophants to Britain. A happy new year.

From Mr. Adams to William Cunningham, Esq.

Quincy, February 11, 1809.

Dear Sir,—I have your favour of the 14th ult. The Mirror was never read, and if it even should be, it will be wilfully misunderstood. Seventeen wheels within one wheel; seventeen empires within one empire; seventeen sovereignties within one sovereignty; *seventeen imperia in one imperio*, will tell in time. We have had a *Shay's* disturbance; a *Gallatin's* disturbance; and why may we not have a *Pickering's* disturbance? Such, I think, is the spirit of the reasoning of the present times. Whether the Republicans have offered the *chair* to Mr. Bowdoin or not, I know not. They talk of this, that, and the other gentleman, but all will depend upon

the caucus in the legislature, and that, I presume, will determine on *Mr. Lincoln*. The *Federalists* too, talk of many candidates; as, Governor Strong, Judge Parker, and many others; but their caucus is pledged to *Mr. Gore*, and they cannot abandon him. The question will be between Lincoln and Gore.

Your rejected paragraph concerning Great Britain was high treason against the present domineering party; but it is sound sense and true policy. It is not wonderful that *some* persons among us are so eager to rush into the arms of *Great Britain;* but it is *unaccountable* that there should be *so many*. Common understanding one would think sufficient, when enlightened with an ordinary knowledge of mankind and the general history of England and America, to convince any man that GREAT BRITAIN IS THE NATURAL ENEMY OF THE UNITED STATES. She has looked at us from our *first* settlement to *this* moment, with eyes of *jealousy*, *envy*, *hatred*, and *contempt*. At this time she knows not how to do without us; she makes a great profit of us. Yet she sees that we make a profit too, and that *we* grow *faster* than *she* does. *Our* population, wealth, power, and importance with all nations, increases incomparably more rapid than *hers*. This prospect *she* cannot bear; *she* sees, too, that *this* is the *only* rising country of the world, and that the *American people are the most active portion of the human race—especially the New England States*. For us then to quarrel with all other nations for the sake of counting the protection of *Great Britain*, is as if the *lamb* should fly from its friendly flock and faithful shepherd, and seek the friendship and protection of the *wolf*. All the nations of Europe, to my knowledge, are friendly to *us*. If the French are now an exception, it is owing to the war with England, and the singular character of their present ruler.

Buonaparte I think, at least I hope, will not find so easy a conquest of the Spaniard. The English will make sure of the Spanish navy, and secure their own retreat on board their ships. I hope, however, they will come in contact with the French; if they should, though they may be overpowered by numbers, they will give the French something to remember. *Bona* will not have to say *veni, vidi, vici*. *Britons* are at least as brave and more patient than the French.

Regard nothing that you see in the papers concerning me;

it is impossible that *newspapers* can say the *truth*—they would be out of their element. I regard them no more than the gossamer that idles in the wanton summer air.

From Mr. Adams to William Cunningham, Esq.

Quincy, Feb. 22, 1809.

Dear Sir,—Inclosed you will find a philippic of our angry, peevish, fretful *Prophet Jonah*. His anger is his talent. When he gives a loose to that passion, as he always does in everything, he produces something smart, pert, and malignant which pleases the malignity of the vulgar. But philippics are not the highest style of politics. I cannot think Demosthenes and Cicero in the highest grade of statesmen, though they certainly were of orators.

You will see how ardently he was attached to the French, even to the highest strain of *Jacobinism*, and king-killing. Compare this with his present ardent attachment to the *English*, and see how the same temper can swing the extremest vibrations of the pendulum.

From *Jonah* let me return to *Harlequin*. Have you read Matthew Lyon's letter to his friend in Vermont? The mixture of *monk* and *monkey* in this fellow-creature of ours always diverts me, like a medicine for the spleen, or a cordial for low spirits. I shall not examine his system. I suspect he is one of the *little* merchants he mentions, and not one of the *big*, by any means; and, that his little *paquotilles* are somewhat deranged and in danger. The sum of what he says in one place is, that the vulgar among the *federalists* adored *John Adams*, and the vulgar among the *republicans* adore *Tom Jefferson*. "When John Adams said that the finger of Heaven pointed to war, you and I laughed at him." This may be true; but it was the *grinning* of idiots at each other, the laughter of *fools*, the "crackling of *thorns* under a *pot*." He is so great a worshipper and idolater of *Tom Paine*, that he and his correspondent might believe that there is no Heaven, or, that Heaven has no finger. If he believed in a God, and a Providence, and had eyes in his head, or brains in his skull, he might have seen, and would have seriously con-

sidered that the course of events had rendered a war, or indelible disgrace and national degradation, unavoidable.

A glorious and triumphant war it was. Instead of hearing of vessels taken in our rivers, and burnt in our harbours, as we had done for a long time, not a hostile sail dared to spread itself on any part of our vast sea-coast. Instead of our merchant-ships being taken by scores, and our property captured by millions in the West Indies, we cleared the whole seas, and not a privateer, or picaroon, or even a frigate, dared show its head. The proud pavilion of France was, in many glaring instances, humiliated under the *eagle* and *stripes* of the United States. But the greatest triumph of all was, that the haughty Directory, who had demanded tribute, refused to receive our ambassadors, and formally and publicly, by an act of government, declared that they would not receive any more *ministers* from the United States till I had made excuses and apologies for some of my speeches, were obliged to humble themselves, retread all their declarations, and transmit to me the most positive assurances, in several various ways, both official and unofficial, that they would receive my ministers, and make peace on my own terms.

Let the jackasses, *Lyon* and his correspondents, and his intimate friends *Duane*, *Callender*, and *Tom Paine*, haw or laugh at all this, as they did at the finger of God. If ever a historian should arise fit for the investigation, this transaction must be transmitted to posterity as the most glorious period in American history, and as the most disinterested, prudent, and successful conduct in my whole life. For I was obliged to give peace and unexampled prosperity to my country for eight years, (and if it is not for a longer duration, it is not my fault,) against the *advice*, *entreaties*, and *intrigues* of *all* my ministers, and *all* the leading *federalists* in both houses of Congress.

The two factions have conspired hitherto to smother all my glory; yet, they cannot avoid letting out, now and then, a glimpse, and this letter of Lyon's is one instance of it. The *cattiff* says I repented. This is false—I had nothing to repent of—I departed from no principle, system, or profession—the French government repented and reformed. *Their* humiliation and *my* triumph were complete. Both struck the British ambassador so forcibly that he said to me, "To what degree of abasement will not the French submit to *YOU?* I was

in hopes they would have persevered, and gone to war with you."

My system was, from the beginning, to make peace with them the moment I could do it consistently with the honour and interest of the nation. But this disappointed the *Anglomaniac Federalists* as well as *Mr. Liston*, and they have hated me for it ever since.

From Mr. Adams to William Cunningham, Esq.

Quincy, March 20, 1809.

Dear Sir,—I have received your favours of March 11th and 14th. In answer to the first, I wish to know whether you remember General Washington's answer to *Adet*, the successor of *Genet*. It was written by the gentleman in question, and by the spirit of it, represented the president almost as ardent a *Jacobin* as *himself*. He had not yet been converted from his *Gallicism* and *Jacobinism*. You remember the thing, "Born and educated in a free country," &c., &c.; "wonderful people."

You speak of the fortunate issue of my negotiation with France to *my fame!!!* I cannot express my astonishment. No thanks for that action—the most disinterested, the most determined, and the most successful of my whole life. No acknowledgment of it ever appeared among the republicans; and the federalists have pursued me with the most unrelenting hatred, and my children too, from that time to this—covered, however, with the thickest veils of their hypocrisy, because there was some danger in being too open. My fame!!! It has been the systematical policy of both parties, from that period especially, and indeed for twelve years before, to conceal from the *people* all the services of my life. And they have succeeded to a degree that I should scarcely have believed it possible for a union of both parties to effect.

I know too well that it was alleged, and *Pickering's* correspondents, *Higginson* and *Cabot*, alleged, in their cowardly anonymous way, *and they even corrupted* Ben Russell, against his *own* judgment, to print their calumnies in the Centinel, "That I had nothing but informal intimations." But the fact is, that I had the most direct, formal, and official in-

formation and assurances, in two different ways, and through two different diplomatic organs.

The first was a resolve of the Directory, signified by their secretary, Talleyrand, and conveyed to M. Pichon, Secretary of Legation and *Charge des Affaires* of France, in the absence of their ambassador at the Hague, by M. Pichon to Mr. Murray, the American Minister at the Hague, and by him officially to me. This was a legal communication, according to the most scrupulous usage and practice of the courts of the world—the most delicate in all matters of etiquette. In what other manner could the cabinet of France have communicated with me. *They* had no minister in America. *They* were at war with England and had no minister there. *They* could not, therefore, convey anything to me through Mr. King. Through Spain, Portugal, or Prussia would have been more round about—have taken more time, and been infinitely less certain of a safe conveyance. The Directory then took the best possible course in their power, and the assurance was as complete as words could express. The second assurance was more positive, more explicit, and decisive still, and through the most authentic channel that existed. It was *Mr. Gerry*, one of my own ambassadors, and by way of excellence, *my own* ambassador; for I had appointed him against the advice of *all* my ministers, to the furious provocation of *Mr. Pickering*, and against the advice of *all* the senators whom *he* could influence. Mr. Gerry, in an official public letter, conveyed to me, at the request of the directory, and their secretary, Talleyrand, the most positive and express assurances that I had demanded. This letter of Mr. Gerry threw *Pickering* into so *furious* a rage against *Gerry*, that in a report to me, which I requested him to draw for me to communicate to Congress, he inserted a most *virulent, false*, and *calumnious* philippic against Gerry. I read it with amazement. I scarcely thought that prejudice and party rage could go so far. I told him it would not do; it was very injurious, and totally unfounded. I took my pen and obliterated the whole passage, as I thought; but, after all, I inadvertently let some expressions pass which *ought* to have been *erased*. Pickering reddened with *rage*, or *grief*, as if he had been bereaved of a darling child. He even went so far as to beg that I would spare it, and let it go to Con-

gress. But *I* was inexorable; and his hatred of me has been unrelenting from that time to this.

But these were not all the official assurances I received. I had personal conversations with Mr. Gerry, and in detail. He declared to me, that he had the most decisive assurances both from the Directory and Talleyrand, that they would not only receive *my* minister upon *my* own terms, but make peace with *me* on *my* own terms. And I am convinced, had that constitution been continued, and the negotiation conducted with the Directory, *I should have had my own terms.* But Napoleon came in and altered the case a little. The convention, however, as finally ratified, is a monument of the dignity my country *once* had and of the respect paid to its policy and power. Unofficial assurances I had, moreover. I will mention two instances. Mr. Logan, of Philadelphia, however scorned and run down by the English party, is a gentleman of fortune, education, good breeding, and not despicable abilities. After his return from France, he made me a visit, and politely informed me, that he waited on me at the request of Talleyrand, to assure me in the most solemn manner, that the Directory wished for peace with the United States, and desired me to send a minister, or authorize one already in Europe to treat; and that I might depend upon his cordial and honourable reception; and that a treaty should be made to my satisfaction. I should, however, have paid no attention to this, if I had not received other similar assurances through Mr. Murray and Mr. Gerry.

Another instance was through General Washington. Mr. Joel Barlow wrote a long, elaborate, elegant, and ingenious letter to General Washington, in which he urged negotiation and peace, with a variety of arguments; and insisted upon it, that every thing might easily be arranged to mutual satisfaction. *Washington* was so impressed by it, that he sent it to me, with a letter of his own, in which he said to me, that he had reason to believe that Barlow's letter was written with the knowledge and consent of the French government. And *Washington* added, that "it appeared to him that the people of America were very desirous of peace." What could I understand by this hint but an expression of his opinion, that I ought to endeavour to make peace if I could? However, Barlow's letter would have had no more weight with me than Logan's message, nor would Washington's opinion have been regarded

more than either, if they had not been preceded or followed by the regular communications through *Murray* and *Gerry*. With this diplomatic evidence, every court in Europe, and the French nation themselves, as well as our American people, would have cried "shame upon the French government," and justified a subsequent war.

This conduct should not have brought upon me *disgrace*. But the British faction was determined to have a *war* with France, and *Alexander Hamilton* at the head of the army and *then* President of the United States. *Peace* with France was therefore *treason* against their fundamental maxims and reasons of state.

But if I had been too hasty in declaring, that I would not send a minister, but upon *certain* conditions, or too easy in receiving the conditions, why should the *federalists* endeavour to render me unpopular for this? It could answer no end but to turn me out; and they ought to have known, that they could carry *no other* man in the union—or to force me to retract my nomination of ambassadors, or suspend their voyage and supersede the negotiation altogether.

These were their motives, and they exhausted all their wit in studies and labours to defeat the whole design. A *war* with *France*, an *alliance* with *England*, and Alexander Hamilton, the *father* of their speculating systems, at the *head* of our *army* and the *state*, were *their hobby-horse*, *their* vision of *sovereign* felicity. No wonder they *hate* the *author* of their *defeat*.

From Mr. Adams to William Cunningham, Esq.

Quincy, June 7, 1809.

Dear Sir,—Yours of May 6th, I have not acknowledged, and cannot particularly consider the abundance of matter in it at present. If you see the *Patriot*, you will see that I am scribbling twice a week—I am hammering out a brass farthing into an acre of leaf brass. But I was determined that *posterity* should know the *facts*, relative to *my peace* with France in 1800. I expect "angry surges" enough. Let them come—they cannot sink me lower than the bottom, and I have been safely landed there these eight years.

I rodomontaded with Lyman and Wright. They called me

father of *New England.*—I resented that, because if I was a father at all, I was *father* of *all* the states. I am, in earnest, a friend to the whole union, comprehending East, West, North, and South, and I will *not* countenance a project of *division.*

John Quincy Adams exposed Eaton's usurped title of "General," which is directly against the constitution, and opposed the grant of fifty thousand dollars to him, for which he had no just claim. That is enough for Eaton to revenge—it is true, that Pickering, at the instigation of Hamilton, as I suppose, who was jealous of Smith as a favourite of Washington, and a better officer than himself, excited a faction in the senate against him; and to my knowledge propagated many scandalous falsehoods concerning him, and got him negatived, though Washington had recommended him to me. But no personal or family consideration would have induced me to *dismiss Pickering.* My motives were public altogether; but I have not yet told you *half of them.*

A most profound silence is observed relative to my scribbles—I say not a word about them to any one; and nobody says a word to *me.* The newspapers are as still as midnight. I suppose the sulphurous combustibles are preparing under ground, and the electrical fire collecting in the clouds. The storm of thunder and lightning, hail and rain, I expect will burst upon me all at once; and the volcanoes burst out at the same time. If I am neither *drowned* in the rain, nor *pierced* with the bolts, nor *blown* into the atmosphere by the eruptions, I must be invulnerable. *Hic murus ahenus esto.* This heart be my wall of *brass.*

I will not *die* for nothing. My *pen* shall go as long as my *fingers* can hold it.

I should be glad to know if you read the *Patriot,* and what is thought of it—whether, and wherein, I have exposed myself.

From Mr. Adams to William Cunningham, Esq.

Quincy, July 31, 1809.

Dear Sir,—I received in season your favour of the 30th June, as well as that of July 24th, and thank you for both. The first is full of the candour and frankness of true friend-

ship, and deserves my mature consideration. I have not been able to answer it, for I have been very busy, and my son's destination (J. Q. Adams), and preparations for departure, have claimed all my attention. It is a heart-rending stroke to me; I may see him no more. I hope his absence will not be long. *Aristides is banished because he is too just*—He will not leave an honester or abler man behind him.

I am in a fair way to give my critics and enemies food enough to glut their appetites. They spit their venom, and hiss like serpents. But no facts are derived, no arguments confuted. I take no notice of their Billingsgate—let it boil and broil. I have had their secret hatred for ten years—for twenty years—for all my life indeed; and I had rather have their open hostility than their secret—I never hoped for mercy from *British bears and tory tigers. Their* system would lead this country to *misery*, and I will not follow it.

From Mr. Adams to William Cunningham, Esq.

Quincy, September 27, 1809.

Dear Sir,—Yesterday I received your favour of the 23d, and had before in its season received that of the 9th, in good order, its enclosure unviolated. My boyish letter to Dr. Nathan Webb appeared with more propriety in a Worcester paper than any where else. *It is demonstrative evidence,* that John Adams's Declaration of Independence was one-and-twenty years older than Thomas Jefferson's. To understand my letter it is necessary to have lived at the time when it was written—when we were so angry with Great Britain for misconducting American affairs, and for leaving us exposed to the murders and depredations of French and Indians, that from my heart I wished we were independent of her, and left to ourselves, to take care of our enemies, or perish in the struggle.

I presume the Latin word should be "died," the "dreadful things," "the horrors of war," I remember the word "dire" and direful and dide were very fashionable among the boys in college, out of which I had just before migrated. But enough of this childish business. The thing is an oddity, that's all. You have made enough, and more than enough of it, in your introduction.

Mr. Shaw's Athenæum is an honor to Boston, to Massachusetts, and to North America, and I hope no *Tory Junto* will be able to deprive him of the honor of it. Yet he and his Athenæum are too much under their thumbs. *Poor Democrats, Republicans, and still poorer Americans, are at the feet of* JOHN BULL *and his* CALVES. *Matters cannot be much longer minced. The truth must out.*

From Mr. Adams to William Cunningham, Esq.

Quincy, Oct. 23, 1809.

DEAR SIR,—I thank you for your favour of the 17th. I know the integrity, talents, and intelligence of great numbers of the federalists, and have no doubt of the good intentions of the great body of that party; but of a great number of their *leaders*, and the most active of them especially, I have no better opinion than I have of some of the *leaders* of the *republicans*. By their writings they have deceived the people into an affection and confidence in England, and an abhorrence of France; neither of which is well founded. The *funding* system, and *banking* system, which are the work of the *federalists*, have introduced more *corruption* and *injustice*, for what I know, than any other cause.*

My confidence in Mr. Dana during the whole time we lived and acted together in Europe, ought not to have been concealed. I know that if he transmits to posterity any relation of the controversy between the Count De Vergennes and me, it must be founded on the letters that passed between us, which I possess as well as he. I can transmit it myself, if I should live; but as I care little about it, and it is not likely I shall live long enough to go through the place I have in view, I shall probably leave it among a number of manuscript volumes, to be concealed forever from the public eye, or scattered and lost, like the papers of Mr. Hancock and Mr. Samuel Adams.

So many federal lies have been published concerning the

* President Jackson was of the same opinion in 1836, which caused that master spirit in financial operations, the Hon. Levi Woodbury, then Secretary of the Treasury, to issue "*The Treasury Circular*," which stopped Banking monopoly, and restored confidence throughout the country.

THE EDITOR.

peace of 1783, that I was determined that all the papers relative to that transaction, should not be left for chance or cunning to mutilate or mangle.

Extract of a letter from Timothy Pickering (late Secretary of State under John Adams) to his friend Governor Sullivan, of Boston, as regards charges and insinuations made by Mr. Adams in his letters to William Cunningham, Esq., dated at Quincy, November 7th and 25th, 1808, together with other interesting remarks of Mr. Pickering, on the administration of Mr. Adams, &c.

"I am now, sir, far advanced in life. I have children and grandchildren, who, when I am gone, may hear these slanders repeated, and not have the means of repelling them. I have, too, some invaluable friends in most of the states, and many in that which gave me birth; men who are the ornaments of society and of their country. All these, if not my country itself, interested as it is in the public concerns, on which I first addressed you (the embargo), have claims which I ought not to leave unsatisfied. Thus called upon to vindicate my character, I am constrained to give a concise narrative of my public life."

* * * * * * *

"My '*bald head and straight hair*' are what nature has given me; and I have been content with her arrangement: they are not a fit subject for reproach. Mr. Adams's friend Cunningham reminds him, that it was rather unfortunate for him to attempt to degrade Hamilton by calling him '*the little man;*' seeing, though with less flesh, he surpassed in stature both *him* and his *son*. Of all men living, those who best know me will say, that I am one of the *last* to whom a disposition in any manner to disguise his sentiments, *should be imputed.*"

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As regards the statement made by Mr. Adams in his letter to William Cunningham, dated Quincy, November 25, 1808, in relation to a scene in a court-room, in Salem (Mass.), Mr. Pickering observes: "Having seen, throughout the 'correspondence,' a series of misrepresentations of comparatively recent events, it cannot surprise one that Mr. Adams should misstate an occurrence fifty or sixty years old. He says, that he was engaged in a cause in which my father was a witness:

that 'while under examination, though treated with the utmost respect and civility, he broke out, without the smallest provocation, into a rude personal attack upon him,' Mr. Adams. I know my father's character too well to give any credit to the latter part of this tale. He was a farmer; yet, bred in the town, his manners were not coarse and rude. It is true that he thought all men were born free and equal; and though indisposed to any act of humiliation to a proud barrister, he would treat his poor neighbour with kindness and civility. The story admits of an easy solution. It was, I presume, a cross-examination; and that my father's testimony bore hard upon the cause of Mr. Adams's client. Then, as it not unfrequently happens (and I have often thought with too much indulgence from the court), the lawyer brow-beat the witness, with the hope to confound him, in order, amidst his confusion, to produce some change in his language that might lessen or destroy the weight of his testimony. Such, probably, was Mr. Adams's conduct toward my father, who had discernment enough to perceive the insult, and spirit enough not to let it pass unnoticed. In commenting upon the testimony, in his argument to the jury, Mr. Adams says he raised a general laugh at my father's expense. He supposes that I was present, and says, 'I have never forgiven him.' Now, whether this miserable tale be true in whole, or in part, or wholly destitute of truth, it is, as to the conclusion, altogether immaterial; for I never heard of it before, nor do I remember a single instance in which my father was examined as a witness in any court. There was, consequently, no object on account of which, in regard to Mr. Adams, I could impart or withhold forgiveness. My father, at the age of seventy-five, died almost six-and-forty years ago."

Mr. Pickering, in his reply to Mr. Adams's letter to Mr. Cunningham, dated Quincy, Nov. 7, 1808, wherein he is charged with the worst of capacity, says, "Mr. Adams was a lawyer, a statesman, a diplomatist, of great experience; and from his abundant resources ready at his call, it would not be unnatural, or unreasonable, to expect, that, having *endured* his *lame* secretary so long, he might be willing to lend him some aid—to suggest, at least, some leading ideas on the subjects in question; but of these he was certainly very sparing, if he offered any at all. As soon as a session of congress ended, he hurried away to Quincy, to indulge himself in repose,

almost free from the cares of government, and enjoying his office, with its emoluments, nearly as a *sinecure*. At the close of the very important session in July 1798, he posted off without informing any head of department that he was going to leave the seat of government! His son-in-law, Col. Smith, nominated for adjutant general, had recently been *negatived* by the senate; and I supposed he departed in a *pet*. Much in this manner he left the city of Washington, early on the morning of the *4th of March*, 1801, the day of the inauguration of his successful rival, Thomas Jefferson, vexed and mortified that it was not himself elected to the presidency a second time. *Washington* stayed in Philadelphia, and with dignified courtesy, attended the inauguration of Mr. Adams; and afterwards made him a visit at his lodgings, before he departed for Mount Vernon.

"So much on the score of *incapacity*, with which I am roundly charged by Mr. Adams. With this, however, great as it may have been, it was somewhat cruel to upbraid me, after what had passed between President Washington and me, when he tendered me the office of secretary of state, as recited in my letter to Governor Sullivan, which Mr. Adams had read, and which as already mentioned, caused the outpouring of his wrath; and after I had held the office a year and a half under Washington, and three years and two months under Adams himself.

"I am as ready as any man to acknowledge—I have, not long since, before a very numerous assembly, acknowledged Mr. Adams's merit in contributing largely to the vindication of the rights of the colonies, and in effecting the independence of the United States; it was an act of justice which I feel no disposition to retract. But 'great men are not always wise;' and some, after many good deeds, commit inexcusable faults; and, whether these injuriously affect one's country, or individual citizens, they ought to be exposed.

"Mr. Adams's virulent reproaches of federalists, of Hamilton, and of me in particular, seem to have been written when he was tortured with the keen feelings of disappointed ambition; an ambition which could bear no opposition, or even lukewarmness, in regard to the means of gratifying it. He has himself described this passion in language that would not have occurred to any man who had not felt it in its utmost violence. 'The desire of the esteem of others,' says he, 'is as real a want of

nature, as hunger—*and the neglect and contempt of the world, as severe a pain as the gout or the stone.* A mere detail of events may engage curiosity; but it is the characters of the *actors* which especially interest the reader; and the exhibition of *their* actions, whether these be *good* or *bad*, which furnishes useful lessons of instruction.'

"Of all the persons vilified and slandered by Mr. Adams," says Mr. Pickering, "Mr. Jefferson is the only one to whom he appears to have been solicitous to make reparation. But was he the only one entitled to do it? Do his eulogists think nothing due to the memories of *Hamilton* and *Ames*, and other departed federalists, and to their surviving compatriots, who have been calumniated by the Adams family? Are their names to be blotted from history, or remembered only to be associated with infamy? Truth is the soul of history.

"Once I was hung in effigy in the Northern Liberties of Philadelphia, on a gallows fifty feet high; and a printed notice of the time was sent to me, then in congress at Washington. This was during the existence of President Jefferson's glorious, indefinite embargo—of which I had taken the liberty to say, *that I did not like it.* On receiving the notice, the first thought that occurred to me was, that the effigy of one of the greatest and best men the United States ever knew, John Jay, had been exhibited, a public spectacle, in the same manner, and I believe in the same place. And so associated, I felt myself honoured by the elevation.

"And once for all;" continues Mr. Pickering, "I affirm that in my various interviews with Mr. Adams, there was never a *single instance of passion on my part;* and, what is a little remarkable, but *one on his*; and this on an occasion which would not have produced in any other man the smallest emotion.

"It was this. In 1794, John Quincy Adams was appointed minister resident of the United States at the Hague. Just before General Washington's last presidency expired, he raised John Quincy Adams to the higher grade of Minister Plenipotentiary to Portugal. But his father soon succeeding to the office of president, he changed the son's destination from Portugal to Prussia. In making out a new commission, I called him *Late Minister resident of the United States at the Hague;* doubting whether it would be correct to call him *late Minister Plenipotentiary of the United States at the Court*

of *Lisbon*, seeing that not having gone thither, of course he had not been received in that character. I concluded, however, to submit the draught to his father, to be approved or altered, as he pleased. He read on till he came to "Late Minister resident of the United States, at the Hague," when he burst into a passion, and with a loud and rapid voice exclaimed, "Not late Minister resident at the Hague, but Late Minister Plenipotentiary of the United States to the Court of Lisbon, to which office he was appointed by General Washington—not by me—and so he shall be called." Then lowering his tone, but speaking with earnestness, he added, "I am sorry that my son ever went abroad as a minister; I wish he had staid at home: for there was not a *pen* in the United States of which the *Jacobins* were so much afraid as of my son's!" Where and what is now this wonderful son?* Among the men whom his father called *Jacobins*—himself, of course, a *Jacobin*. And where, I may also ask, is the father? When the son *tacked*, the father *wore ship*, and followed in his *wake*, Jefferson leading the van; Jefferson, whom, not long before, the father pronounced "the deepest dissembler, and most artful hypocrite he ever knew."

"As it has been his steady aim," continues Mr. Pickering, "in Mr. Adams's letter to Cunningham, to *vilify* me, so, in order to counteract his design, Mr. Adams is here exhibited against himself. Not that I consider approbation or praise from a man so notoriously governed by his passions, by his ambition, vanity, and family interest, of any intrinsic value, but his eulogies and censures, when brought together, like two different substances in chemical operations, may neutralize each other."

[Private.] *Quincy, Oct.* 15, 1798.

Dear Sir,—I received your answer to the address from Virginia, *concinnate* and *consummati*. My secretary gave a hint of it to Mrs. Adams and she insisted upon his bringing it to her bedside and reading it to her. She desires me to tell you, that weak and low as she is, she has spirit enough left to be delighted with it. She says it is the best answer to an address that ever was written, and worth all that ever were

* "Ephraim is joined to idols let him alone."

written. You may well suppose that I, who am so severely reflected on by these compliments, am disposed enough to think them extravagant. I, however, think the answer excellent, and wish you had to answer all the saucy addresses I have received. I don't intend to answer any more of the disrespectful ones.—I am, with great esteem,

MR. PICKERING. JOHN ADAMS.

Mr. Pickering, in defending his friend, Col. Hamilton, against the many insinuations thrown out by Mr. Adams, prejudicial to his political and military character, observes—

"A scrutiny of Mr. Adams's several communications to congress produced in the mind of Hamilton, the following result. He (Col. Hamilton) says: 'I then adopted an opinion, which all my subsequent experience has confirmed, that he is of an imagination sublimated and eccentric; propitious neither to the regular display of sound judgment, nor to steady perseverance in a systematic plan of conduct; and I began to perceive, what has been since too manifest, that to this defect are added the unfortunate foibles of a vanity without bounds, and a jealousy capable of discolouring every object.'"

"It was in the year 1777," observes Mr. Pickering "that I first saw Hamilton, and perceived his importance in the military family of General Washington. The subsequent acts of his public life, and the eminent and disinterested services he rendered to the United States, inspired me with the highest ideas of his talents and worth. As an aid-de-camp to the commander-in-chief, he saw the principal operations of the main army during four years; but had no command of troops, except of a detachment at the siege of Yorktown, with which he stormed and took a redoubt. A man of genius, however, will promptly grasp any subject, while a common mind is learning the rudiments which, by slow degrees, are to conduct him to the knowledge of it. When, therefore, a small army, in 1798, was to be raised, in addition to our peace establishment, I had no hesitation as to the person best qualified to command it. Of the citizens of the United States *who had seen service*, I knew not one to place in competition with him. It was while I was in this state of mind, that the following dialogue took place between Mr. Adams and me:

"*Mr. A.*—Whom shall we appoint commander-in-chief?

" Colonel Hamilton.

" Mr. Adams made no reply. On another day, he repeated the same question, and I gave him the same answer. He did not reply. On another day he, for the *third* time, asked me, 'Whom shall we appoint commander-in-chief?' and the *third* time I answered 'Colonel Hamilton.' 'O no!' replied Mr. Adams, 'it is not his turn by a great deal: I would sooner appoint Gates, or Lincoln, or Morgan.' Instantly I rejoined to this effect: 'General Morgan is here a member of congress, now very sick, apparently with one foot in the grave; certainly a very brave and meritorious officer in our revolutionary war; and perhaps his present sickness may be the consequence of the hardships and sufferings to which he was then subjected; but, if he were in full health, the command of a brigade would be deemed commensurate with his talents. As for *Gates*, he is now an old woman, and *Lincoln* is always asleep.' Mr. Adams made no reply.

" Washington being on this occasion appointed commander-in-chief, the secretary of war (Mr. M'Henry) was directed to carry his commission to Mount Vernon. Knowing Mr. Adams's *aversion* to Hamilton, and apprehensive that he would either not be called into service, or if nominated to any office, that it would be in a rank so much below his merit that he would not and ought not to accept it, I took the liberty of writing to General Washington the following letter:"—

Philadelphia, July 6, 1798.
[11 o'clock at night.]

Sir,—My attachment to my country, and my desire to promote its best interests, I trust have never been equivocal; and at this time I feel extreme anxiety that our army should be organized in the most efficient manner. The enemy whom we are preparing to encounter—veterans in arms, led by able and active officers, and accustomed to victory—must be met by the best blood, talents, energy, and experience that our country can produce. Great military abilities are the portion of but few men in any nation, even the most populous and warlike. How very few, then, may we expect to find in the United States! In them the arrangements should be so made that not one might be lost.

There is one man who will gladly be your second, but who will not, I presume, because I think he ought not to be the

second to any other military commander in the United States. You too well know Col. Hamilton's distinguished ability, energy, and fidelity to apply my remark to any other man. But to insure his appointment, I apprehend the weight of your opinion may be necessary. From the conversation that I and others have had with the President, there appears to be a disinclination to place Col. Hamilton in what we think is his proper station, and that alone in which we suppose he will serve—the *second* to you, and the *chief* in your absence. In any war, and especially in such a war as now impends, a commander-in-chief ought to know, and have a confidence in the officers most essential to insure success to his measures. In a late conversation with the President, I took the liberty to observe, that the army in question not being yet raised, the only material object to be contemplated in the early appointment of the commander-in-chief would be, that he might be consulted; because he ought to be satisfied in the choice of the principal officers who should serve under him.

If any considerations should prevent your taking the command of the army, I deceive myself extremely if you will not think that it should be conferred on Col. Hamilton—and in this case it may be equally necessary, as in the former, that you should intimate your opinion to the president. Even Col. Hamilton's political enemies I believe, would repose more confidence in him than in any other military character that can be placed in competition with him. This letter is in its nature confidential, and therefore can procure me the displeasure of no one; but the appointment of Col. Hamilton, in the manner suggested, appears to me of such vast importance to the welfare of the country, that I am willing to risk any consequences of my frank and honest endeavours to secure it. On this ground I assure myself you will pardon the freedom of this address.—I am, with perfect respect sir, your most obedient servant, TIMOTHY PICKERING.

P. S.—Mr. M'Henry is to set off to-morrow, or on Monday, bearing your commission.

To GENERAL WASHINGTON.

[Mount Vernon.]

When Mr. Pickering wrote this letter, he says, "I had no sort of communication with Hamilton on this subject: it was a spontaneous act on my part to secure his services to the country."

To this letter I was favoured with a long and confidential answer, dated July 11th, of which the following is an extract:

"Of the abilities and fitness of the gentleman you have named for a high command in the *provisional army*, I think as you do, and that his services ought to be secured at *almost* any price. What the difficulties are that present themselves to the mind of the president in opposition to this measure, I am entirely ignorant; but in *confidence*, and with the frankness you have disclosed your own sentiments on this occasion, I will unfold mine, under the view I have taken of the prospect before us; and shall do it concisely."

The Secretary of War, when charged with Washington's commission, was instructed by the President to consult the general as to the principal officers to be appointed to the army; and he transmitted from Mount Vernon, by the mail, the general's list, containing the names of gentlemen who had served in the Revolutionary army, and designated the stations in which they should be placed. At the head of this list, and in the following order, were the names of

Alexander Hamilton, Inspector-General and Major-General.
Charles Cotesworth Pinckney, Major-General.
Henry Knox, Major-General.

And in this order they were nominated to the senate.

The Secretary of War made out the commissions for Hamilton first, Pinckney second, and Knox third major-general, and sent them to Quincy, for the President's signature. He wrote to the secretary that, in his opinion, Knox was entitled to rank as first major-general, Pinckney as the second, and Hamilton as the *third;* and directed, that if General Washington should concur in that opinion, he should conform the commissions to that order.

Before the Secretary of War could have written to and received an answer from General Washington, respecting the order in which the three major-generals should take rank, another letter was received from the president, peremptorily requiring him to make out their commissions in the order of Knox, Pinckney, *Hamilton.*

Several motives, (continues Mr. Pickering,) to this incorrect conduct of President Adams may be assigned. Primarily, his unrelenting *hatred* of *Hamilton*, whom, utterly regardless of the public interest in his services, he would have

driven from the army, by degrading him from the rank to which his merit and actual appointment entitled him. Mr. Adams has been unwearried (continues Mr. Pickering) in his attempts to degrade Hamilton in the eyes of his fellow-citizens; he has been so indiscreet as to deny him, what all the world beside allow him, very eminent talents.

In his thirteenth letter, dated May 29, 1809, published in the Boston Patriot, Mr. Adams, speaking of his favourite, *Gerry*, as one of the ministers to negotiate with the French republic, against whom he supposes prejudices had been entertained, says, "No man had a greater share in propagating and diffusing these prejudices against Mr. Gerry than *Hamilton; whether he had formerly conceived jealousies against him as a rival candidate for the secretaryship of the treasury;* for Mr. Gerry was a financier, and had been employed for years on the treasury in the old Congress, and a most indefatigable member too:" "that committee had laid the foundation for the present system of the treasury, and had organized it almost as well." "I know that the officers of the treasury, in Hamilton's time, dreaded to see him rise in the house upon any question of finance, because they said he was a man of so much influence that they always feared he would discover some error, or carry some point against them: or whether he (Hamilton) feared that Mr. Gerry would be President of the United States before him, I know not!!!"

Mr. Adams in a letter to William Cunningham, Esq., dated Quincy, September 27, 1809, (Appendix), says "*It is demonstrative evidence* THAT JOHN ADAMS'S DECLARATION OF INDEPENDENCE, WAS ONE AND TWENTY YEARS OLDER THAN THOMAS JEFFERSON'S."

In a letter from Mr. Pickering to Mr. Adams, on this subject, he observes, the Declaration of Independence contained *few new ideas.* Mr. Adams, in his answer, says, *not one;* but he thinks the best parts were struck out.

The following from Mr. Pickering to Mr. Adams as regards the *Declaration of Independence*, will probably give the reader some new ideas on the introduction and passage through Congress of that sacred instrument which made us spring into

existence as a nation, to the astonishment of the European world, unfettered, free, and independent—which has caused thousands, and tens of thousands from the old world to make this land of freedom their adopted home, where, under their own vine and fig-tree, they sink the *subject*, and hail as free, independent *citizens*.

Extracts from a letter, dated August 2, 1822, from Timothy Pickering to John Adams, formerly President of the United States.

"As no act of the Congress of the Thirteen United American Colonies was so distinguished as that by which their independence of Great Britain was declared, the most particular history of that transaction will probably be sought for, not merely as an interesting curiosity, but to do substantial justice to the abilities and energy of the leaders in that great measure."

"By the public journals, it appears, that on the 7th of June, 1776, 'certain resolutions respecting independency were moved and seconded;' and that on the 10th, the first resolution, 'that the United Colonies are, and of right ought to be, Free and Independent States,' was adopted; and the next day, the committee for preparing the declaration to that effect was chosen, consisting of Mr. Jefferson, Mr. J. Adams, Mr. Franklin, Mr. Sherman, and Mr. R. R. Livingston. Mr. Jefferson, being first on the list, became chairman."

"It was in the natural order of proceeding, for the committee to meet and discuss the subject; and, after mature deliberation, to decide on the principles or propositions which should constitute the basis of the declaration; and to refer the making of the draught to the chairman, or to a sub-committee."

"Some years ago, a copy of the declaration, as reported to Congress, was put into my hands, by some one of the Lee family. It was in Mr. Jefferson's hand-writing, and enclosed in a short letter from him to R. H. Lee, together with a copy of the declaration as amended in Congress. The amendments consisted chiefly in striking out; and about one fourth part of the whole was struck out."—"To me, the alterations made in Congress, seemed important and substantial amendments."

"After all, the declaration does not contain many new ideas. It is rather a compilation of facts and sentiments stated and expressed, during the preceding eleven years, by those who

wrote and vindicated the rights of the colonies, including the proceedings of the Congress of 1774; that is, from the year of the stamp act to the commencement of the war. The great merit of any compilation consists in the lucid and forcible arrangement of the matter. The reported declaration was evidently enfeebled by its redundancies."—"I have thought it desirable, that the facts in this case should be ascertained. You alone can give a full statement of them, to be communicated to whom you think proper. To arrive at *truth*, and to assure to every one his just portion of applause, are the sole objects of these remarks."

"On the 6th of August, Mr. Adams favoured me with an answer; and was pleased to communicate to me this short history of the Declaration of Independence, as it appears in the following extract from his letter of that date:—

"Mr. Jefferson came into Congress in June 1775, and brought with him a reputation for literature, science, and a happy talent at composition. Writings of his were handed about, remarkable for their peculiar felicity of expression. Though a silent member in Congress, he was so prompt, frank, explicit, and decisive upon committees, (not even Samuel Adams was more so,) that he soon seized upon my heart; and upon this occasion, I gave him my vote, and did all in my power to procure the votes of others. I think he had one more vote than any other, and that placed him at the head of the committee. I had the next highest number, and that placed me the second.

"The committee met, discussed the subject, and then appointed Mr. Jefferson and me to make the draught; I suppose, because we were the two highest on the list. The sub-committee met. Jefferson proposed to me to make the draught. I said, 'I will not, you shall do it.' (Then follows an amicable altercation on this point; but Mr. Adams persisting in his refusal to make the draught)—'Well,' said Jefferson, 'if you are decided, I will do as well as I can.' 'Very well; when you have drawn it up we will have a meeting.' A meeting we accordingly had, and conned the paper over. I was delighted with its high tone, and the flights of oratory with which it abounded, especially that concerning Negro slavery, which, though I knew his Southern brethren would never suffer to pass in Congress, I certainly never would oppose. There were other expressions which I would not have in-

serted if I had drawn it up; particularly that which called the king a tyrant. I thought this too personal; for I never believed George to be a tyrant in disposition and in nature: I always believed him to be deceived by his courtiers on both sides the Atlantic, and in his official capacity only cruel.

"I thought the expression too passionate, and too much like scolding for so grave and solemn a document; but as Franklin and Sherman were to inspect it afterwards, I thought it would not become me to strike it out. I consented to report it; and do not now remember that I made or suggested a single alteration. We reported it to the committee of five. It was read; and I do not remember that Franklin or Sherman criticised anything. We were all in haste: Congress was impatient; and the instrument was reported, as I believe, in Jefferson's hand-writing, as he first drew it. Congress cut off about a quarter part of it, as I expected they would; but they obliterated some of the best of it, and left all that was exceptionable, if anything in it was. I have long wondered that the original draught has not been published. I suppose the reason is, the vehement philippic against Negro slavery. As you justly observe, there is not an idea in it but what had been hackneyed in Congress for two years before. The substance of it is contained in the Declaration of Rights, and the violation of those rights, in the journals of Congress in 1774. Indeed the essence of it is contained in a pamphlet voted and printed by the town of Boston before the first congress met; composed by James Otis, as I suppose, in one of his lucid intervals, and pruned and polished by Samuel Adams."

"Mr. Jefferson," continues Mr. Pickering, "was manifestly displeased with the alterations made in Congress, in his draught of the declaration. In his letter of July 8, 1776, to Richard Henry Lee, he says 'I enclose you a copy of the Declaration of Independence as agreed to by the house, and also as originally framed. You will judge whether it is the better or worse for the 'critics.'—"Far from being worse," says Mr. Pickering, I think unprejudiced readers will pronounce the alterations and amendments, made by the 'critics' in Congress, substantial improvements; and that to those 'critics' Mr. Jefferson is indebted for much of the applause which has been bestowed upon him as the AUTHOR of the declaration."

The reader can now form his own opinion as to the assertion

made by Mr. Adams when he says, "*It is demonstrative evidence*, THAT JOHN ADAMS'S DECLARATION OF INDEPENDENCE, WAS ONE AND TWENTY YEARS OLDER THAN THOMAS JEFFERSON'S."

The following are extracts of two letters from William Cunningham to John Adams, which will give the reader some little knowledge of the tirade and abuse of the leading federalists, in 1804, toward the Jeffersonian democracy. Mr. Cunningham, it would appear, after two years of industry in pouring out his vials of wrath upon President Jefferson, and the democratic party generally, calls on Mr. Adams for a further supply in order to annihilate Mr. Jefferson at the then approaching Presidential canvass.

"I wish" says Mr. Cunningham "to discover every arcanum that would be of use to develope the *true* character of the Salt Mountain Philosopher.* This mountain has increased the wonders of the world to eight; and, if Mr. Jefferson would sink a tomb in a part of it for himself, it might, better than being a *Mummy*, preserve his body and memory through succeeding ages."

"But to return. No man living has so thorough a knowledge of Mr. Jefferson's transactions as yourself. It is necessary therefore, to the perfection of *my plan*, that I should assume the confidence to apply to *you* for some *particulars*. If, sir, to promote my patriotic purposes, you would refer me to interesting incidents in Mr. Jefferson's career, I promise most *seriously* that no indiscretion or unfaithfulness in me shall expose or abuse your goodness."

"Accept, too, dear sir, my grateful acknowledgments for describing the causes and the course which produce and guide the leading *democrats*. I read with avidity, and treasure up with care, the counsels of wisdom and experience. The awful spirit of *democracy* was never so prevalent, nor in so great progress in our country, as at the present day."

"*Judge Sullivan* is as great a trimmer and timeserver as perhaps can be found. He has long angled in the dirty water of *democracy*, but has never filled his *net*, though he

* Mr. Jefferson

has several times broken it."—"His eye has been, and is steadily fixed on the chair of state. At first he courted assistance from the *clergy;* but now, I expect, he means to make a push upon pure *jacobinic* principles. I have never seen any thing from his hand that contained so much designing meanness as his 'Sketch of the Life of Samuel Adams.' His present nomination unfolds his designs, and we see that the *baits* thrown out are swallowed. He may blame his friend for a most unfortunate designation of an associate."—"The ponderosity of the 'Marquis of Granby' would keep any one from rising who is attached to him. The '*sweat,*' which 'our General' says has profusely fallen from his face, has watered many a plant of renown; but the fruits of them all, are not worth a mess of *green peas,* and, he is so strongly *tainted* with the *cow-yard,* that he must, I think, be *offensive* in the council chamber."—"There may be more severity than good sense, or prudence, in these remarks, but I really consider such *clod-pated* politicians as fit subjects for the most cutting strokes."

It must appear to the reader after the perusal of the above *extracts,* that the leaders of the federal aristocracy in the early period of our republic, were as wholesale in their *gross epithets* towards the hard-fisted mechanic and yeomen of the land, as the leaders of the same party are in the present enlightened age on the eve of a presidential election; and then as now, look upon the *bone* and *sinew* of the nation, as mere *hewers of wood and drawers of water;* slaves, as were the Israelites of old, under Pharaoh, compelled to make brick without straw, or suffer the consequences. But the protecting hand of an all-wise Providence was spread abroad, and the people marched in triumph from bondage to the promised land. That protecting hand continued to spread until it waved over the *Land of Promise,* the *Western world,* when it was ordained *all* should be free and equal, and *tyranny* and *aristocracy* known only by name. The people, the democracy—were made acquainted with their rights—their power—and knowing them, determined to assert them; they did so, and under a

free democratic government have they nobly sustained themselves, and become a mighty people; and while the same protecting hand is suspended peacefully over the land, so long will they continue to advance until *Monarchs*, *Tyrants*, and *Aristocrats* shall tremble at the name of a Democratic Republic, and the people with one united voice cry, *Amen.*

Extracts of Letters from William Cunningham to John Adams, dated in 1808, '9.

"I hope, dear sir, that when the great acts of your life shall be told in marble, your countrymen will recover that just estimation of your worth which shall consecrate in their hearts, through every convulsive scene, the spot of your interment. I have a voucher in the majesty of virtue, and in opposite examples, for asserting that it will be so."—"I will get if I can, the Salem Gazette, containing the anathemas of Deacon P. In the *old block* I may see the nature of the *chip*. Of the speech of the 'straight haired' minister plenipotentiary to the Indians, I have only some indistinct recollections. I would be much obliged to you for a copy of it—I shall strictly analyze its bearings on the orator's character. His contempt for Washington, and advocacy of French fanaticism are facts which unfortunately are unknown to the public. I wish my suspicions were obviated or confirmed, that his far famed report to Congress, on our foreign relations, was not his own unassisted performance. It is due to the deservedly laurelled head, that the baldness concealed under a cardinal's hat should be exposed."

"I hope that this evening will relieve my impatience to see the speculations you have written in opposition to the opinions of an officer whose duty it was to facilitate, but whose contumacy embarrassed your administration. I had seen Lyon's letter, and had waded through it. When I turn to the journals of '98, and compare the treatment of him then, with the estimation of him now, I think of a *belle*, who, in the pride of accomplishments, casts her eye fastidiously upon a worthless fellow, but who, when past her prime, 'oversteps the modesty of nature, in her forwardness to encourage his advances. 'Tis a mortifying meanness! Lyon has been called

a *beast*, but the most I could ever make of him was a chattering *paroquet*. *Nosciter ex sociis.*"

"Your view of our situation in 1798 is fully substantiated by public documents. So glorious a result of the measures then pursued, ought to have settled them forever in the cabinet, and in the bosom of every American, as the *only* measures, designated by Heaven, and consecrated by experience, for the maintainance of our maritime right. The fortunate issue, sir, of these measures to your own fame, is a subject with which I am too full not to fear to speak to *you*, and confine myself within allowable limits. The reduction of Directorial *hauteur* to a compliance with your own conditions, was a conquest which no other cabinet can boast. Your declaration in your Message to Congress, of June 21, '98, that you "would not send another minister to France, without assurances that he would be received, respected, and honoured as the representative of a great, free, powerful, and independent nation," committed you, as to the terms upon which a new mission would be instituted. I derive the highest satisfaction from the direct information, that the Directory transmitted to you the most positive assurances in various ways, both official and unofficial, that they would receive your ministers, and make peace on your own terms."

"I know not when my sensibilities have been more exquisitely touched, than they were by the perusal of your favour of the 20th inst., and by the concluding sentence of your letter to Messrs. Wright and Lyman, which I read at the same time. Thoroughly sensible as I am of the wrong which has been done you, I am yet persuaded, that the natural effect of your own reflections upon it, is to its aggravation, and to a misconception of its object—I mean with the federal party at large. The vehement opposition of the leading federalists to a third mission to France, and the coldness with which *they* requited your regard to your high responsibility, were the most unadvised steps; their effect was to *cast you*, and overthrow the federal cause together. Party spirit is uncounselable, and mischance is generally the consequence of its rashness. So nearly equipoised as were the parties, equanimity was the virtue on which the federalists could alone rely to preserve their preponderance. That you was the only candidate in the nation which, with all the prudence they could exercise, they could carry into the presidency,

was a fact well understood by them, and their conduct towards you, quadrated at last with that impression. At the election of 1800, their endeavours in your favour were unabated by their disapprobation of the third diplomatic attempt to adjust our differences with France. From the advice, *very particularly urged*, by Hamilton upon the electors, to give an *equal* vote to General Pinckney, it may be suspected that in case of the success of the federal ticket, and of a choice eventually by the House of Representatives, he intended to throw his influence into that body in favour of the *Carolinian*. But the great body of the people would have spurned this Machiavelian stratagem. It was *you* and you only, whom *they* designated for the first office in their gift."

"Excepting the devices, of a transient duration, which were employed to hoodwink the public respecting the reasons you had to resort again to negotiation with France I, cannot think that, even with the rankest Essex-Junto men, there has ever been a disposition to your detraction; an estimation of your worth and talents bordering on devotion, has been a common sentiment. Should you object to my opinion the splenetic ebullitions of the 'libeller' Hamilton, I should not be disposed to retract it. I have no disposition to depreciate the talents of Hamilton—had they been greater, the invectives in his 'letter' could not have been sharpened by them."

"In the dialogue with Count Diodati, you could not have avoided the consolation of the reflection, that, if in the strange contrariety of human conduct, you should, like Aristides, be banished by the ostracism, confined like Miltiades, forced, like Phocion, to the poisonous draught, or be slain like Scipio, truth would soon triumph over delusion, and perpetuate in sculpture its irreversible decisions. Among the comforts of this world, I hope, dear sir, that you will yet find mingled the ecstatic one of knowing, that you live contemporaneously with your own glory, and may you leave the world, *Vita cedat uti convivasatur*."

"Confirmed, by your coincidence, in the correctness of my sentiments concerning the federalists in general, I feel my confidence strengthened in the soundness of my knowledge of some of their late leaders. Alexander Hamilton was their head and hope. He was the *Messiah* under whose reign a political millennium was to be enjoyed. Extravagant encomiums on his talents had lifted my estimation of him to a lofty

height; and I readily confess, that in some interviews I had with him in New York, the prop of his fame of a capacious understanding was perspiciously displayed. It is the pride of his friends that he was ambitious: but that this passion was in him kept down to virtuous emulation, upon which alone they can exult, is not so evident.—The testimony of General Washington, in his favour, if not extorted, is yet not unexceptionable. Washington, like yourself, had come under the displeasure of this paragon of propriety, and a threatening of a public exposure of his mistakes, was suspended over the head of Washington like the sword of Damocles, with this difference, that it should fall, not on falsehood, but on indocility. This is a fact unknown to the public. It is unknown, except to a very few in the nation. *You*, sir, know what *authority I have for the declaration*—General Washington was overawed with a menace, which gave you but the more resolution."

"Amidst the heaviest outpouring which may be supposed to be congregating in the elements of human vengeance, I know you will stand like a conductor of electric fluid, which the lightning can only seize, envelope, and rush down its sides, but which it leaves uninjured to cool, and to stand again with its daring points amid the storm. That you are a friend to an undivisible union of the states, is most clearly evinced; and you may derive from your concern for the common welfare, as indisputable a right as was possessed by Augustus to the honourable and endearing title of the *Father of your Country*. It was then because Mr. John Quincy Adams had given the upstart scribbler, and pedantic mystagogue Eaton, his deserts, that he spat at him the *toady* poison with which he was so much distended."

"You say, *I know not the history of Hamilton*. I certainly do not, if your portrait shows his lineaments. Of the prostitution of power to the brutal purposes of sensual gratifition, we know, to the disgrace of our nature, of too many instances. Such gross declension is more shocking among an infant people than among nations gray in crime; as vice is more odious in a youth than in a hardened sinner. In this view, I think it most lamentable, that in your opinion '*the panegyrical orations of Ames and Otis*—and the '*Funeral made by the bankers in Boston*' for Hamilton, exceeded in

atrocity and impiety, the king's brothel of Belvieu, and the Adonian temple of Madame Du Barry."

"The '*infidelity of the worst kind, propagated by him in our army, when in the family of Washington*,' I am unacquainted with."

"You say, 'I have never read Hamilton's pamphlet,' &c. It was circulated, at first, among his confidential friends, one of whom, Judge Bowne, lent it to me the day he received it. You have, indeed, been the *target* for the poisoned arrows, and chewed balls of malice, envy, and revenge. It is the unfailing lot of all greatness to be so."

"In answering your letter, I have reserved to the last the concupiscence of Hamilton. Knowing the impetus you felt when speaking of Hamilton, I have been fearful whether you would not get into too hot a temper, and thus disease your rebukes with the fever of animosity. I have thought that you would have been safer to have followed Plato, and to have said, 'Speusippus, do you beat that fellow, for I am angry.' But, sir, you set him before me in new and horrid odiousness. Of '*his debaucheries in New York and Philadelphia*,' of '*his audacious and unblushing attempt upon ladies of the highest rank and purest virtue*'—of '*the indignation with which he has been spurned*'—and of '*the inquietude he has given to the first families*,' I never before heard a word. If he was all this he was abandoned beyond reclamation. Candor and charity must be dumb in his excuse. Avouch, sir, all this to be true, and I shall consider myself bound by all my duties to my family, to virtue, to my country, and to heaven, to dress him in a suit from the devil's wardrobe, and hold him up to the execration of mankind. In his 'Remarks, explanatory of his conduct, motives and views' in meeting *Burr*, written the day before the interview—and in his will, he speaks with the most moving tenderness of his 'wife and children.' In his last hour, according to Dr. Moore, he was collected, tranquil, and resigned as Addison—if there had ever been a ——, I should be confounded."

"You propose to give me an account of 'his talents and services in another letter.' I wish to see a connected chain of these services, and their magnitude; since it has been announced by Coleman that years are to be occupied by some best gifted genius in penning his life."

"You have fully and forcibly described the impulse by

which the heads of a faction are hurried on, in your examination of Needham's Right Constitution of a Commonwealth, as I find in the third volume of your Defence of the Constitutions of the United States, page 278, London edition—

"*Constitution of power,*" you observe, "*in the same persons and families, will as certainly take place in a simple democracy, or a democracy by representation, as in an hereditary aristocracy or monarchy. The continuation will be certain, but it will be accomplished by corruption, which is worse than a continuation by birth; and if corruption cannot effect the continuation, sedition and rebellion will be resorted to.* FOR A DEGRADED, DISAPPOINTED, RICH, AND ILLUSTRIOUS FAMILY WOULD AT ANY TIME ANNIHILATE HEAVEN AND EARTH, IF IT COULD, RATHER THAN FAIL OF CARRYING ITS POINT."

"In your letter to the printers of the Patriot of June 10th, '09, in the enumeration of the opposition and embarrassments you had to overcome, you inserted '*from that large body of Americans who revere the English.*' In the review of the works of Fisher Ames, by my friend John Q. Adams, I saw that *Ames* was considered as *one* of the *principals* of such a body—and in the answer of Mr. Jefferson of the 3d ult. (May) to the address of the republican citizens of the city and county of New York, I noticed a very plain insinuation that the opposition to the *Embargo* and its supplementary measures, was induced entirely by a predilection in the opposers for another country than their own. Laying these and many things of the same complexion together, I could not but regard the sentence I quoted from your last letter as coming, 'point from point to the full arming of the verity,' that our country, the land of proud freemen, was become in great extent, but *pasturage for the progeny of foreign kine.*"

"A subject of great delicacy I have thought I would take the liberty to mention. It is no less than to offer you some advice respecting your treatment of *Hamilton*, when you shall again resume the consideration of his conduct. It is a transgression of a rule, to give counsel unasked, but I am stimulated beyond subjection to rules by what was suggested to me by your son, when I was at Quincy. He said that when you entered again on that topic '*the little*' (using some harsh epithet) 'would have it,' meaning, undoubtedly, that he would be *lashed* with severity. But, my dear sir, if you mean to

give weight to your animadversions, should they not be stated with calmness and candour? Let it be admitted that he deserved to be treated as a *stigmatic*—let it be admitted that he took the example of Semiramis for proof that sensuality was connected with talents for governing, but recollected from the same example, that it may be the associate of injustice and inhumanity—let it be admitted, that the marble mausoleum erected to his memory in New York, should wear nothing but the indecent figures that Sesostris ordered to be sculptured on certain pyramids—let it be admitted that he was officious, assuming, ambitious, and a libeller, yet, injured as *you* feel yourself, what point can you possibly give your pen beyond a very candid and unruffled statement of such facts as will conduct the public mind to a just determination? Such a determination cannot eventally be avoided. This truth should be your consolation; it is the consolation of integrity, and the affliction of vice, that 'the final impartiality of the public' will appear through every art that can be employed to *blacken* or to *brighten*."

"Pardon, great sir, this freedom—if you judge me rude, judge me friendly. 'There is a silence of such magnitude, energy, decision, as to be singly worth a whole life of some men.' I did regret that you broke this silence with regard to the *person* in view; but as I have no right to judge until I shall see the *finale*, I shall suspend my conclusion, and I hope to be satisfied that in breaking it, you imparted to your countrymen the *coup d'oeil*, enabling them distinctly to discern, even through the mists of party, the abode of truth."

"I agree with Burke, 'that no government ever yet perished from any other direct cause than its own weakness;' and I agree with you where you say, in your Defence of the Constitutions of the United States, 'It has been the common people, and *not the gentlemen*, who have established simple monarchies, all over the world. The common people, *against the gentlemen*, established a simple monarchy in Cæsar at Rome, in the Medici at Florence, and are now in danger of doing the same thing in Holland.' They have done it—and are they not in danger of doing the same thing in *America*?"

"When I consult the claims of affection, I think on *those* who have *sacrificed* their *children* for their *country*. Are we more under the *calves* of John Bull than when George Washington was President, John Adams Vice President, and John Jay

Chief Justice? Are we, suffer me with all plainness to ask, are we nearly so much under that *calfish* influence as when *you* yourself was President? I build this inquiry on the arguments which you repeatedly and publicly employed, not only to overthrow the prejudice existing against Great Britain, but to show *that she would not receive our voluntary submission.* Who, yourself excepted, ever went so far as this? There are, in your letters, many things of a *jocose*, of a *serious*, and of a very *delicate* nature, which I have no wish, nor any warrantable cause to let loose from confinement."

From the foregoing extracts of letters from William Cunningham, Esq., to his friend and relative the late President John Adams, will be seen by the reader, the deep rooted hatred of the latter toward the late Colonel Alexander Hamilton, whom he always suspected (and it will be observed not without cause) as being the instrument of a cabal of political aspirants in preventing his re-election to the Presidential chair in 1801. It will be seen also, that Mr. Adams charges Col. Hamilton with wire-pulling "*behind the scene,*" and secret intriguing influence among the members of his *cabinet*, endeavouring to thwart him in carrying out highly important measures connected with foreign powers, in order to lower him in the estimation of the people on the eve of an important election, thereby sending him into retirement; doubtless hoping amid the conflicting political elements that then agitated the country, he would gain the envied prize for which he had so long laboured in the political vineyard, and for which he had made so many sacrifices of honour and fortune.

Among the political *knights* contending for the *crown*, was Colonel Aaron Burr, an antagonist of no small prowess; who, on first entering the lists resolved on the death or downfall of his opponent *Hamilton*, more for revenge of a long standing in a *delicate affair*, than for the envied and much desired *crown.* His antagonist fell, New York and the federal party mourned for their leading champion—their *Goliah* was no

more. Mr. Adams on receiving the news of the death of his enemy, seized his *pen* as it appears, to write an *epitaph* on his departed foe, to be blazoned and heralded abroad through the land; but his friend and correspondent Cunningham, advises and cautions him to pause and reflect—to lay aside his pen already nibbed and dipped in the gall of malignancy, &c. as the reader will perceive in the above extracts, which have been selected by the editor as an appendix to this volume, for reasons before assigned; also, believing the present enlightened generation will be interested in the perusal of writings and political sentiments of distinguished politicians now no more, who figured so conspicuously in the early period of our republic.

In conclusion, the editor will further observe, that in presenting this volume to his fellow citizens he considers it the only important link wanting to complete the great political, historical Presidential chain; and he is influenced by no other motive, than a deep solicitude for the welfare of our rising, mighty republic, and an anxious wish, that its institutions and liberties may be transmitted to an interminable futurity. And, lastly, he deems it an imperative obligation upon every citizen of this great and free nation to contribute, according to his means, to the preservation and glory of this invaluable inheritance.

NOTE.

SINCE the publication of the first edition of this work, the editor has received from an authentic source, the following list, being a portion of the names of those who resided in Bucks and Northampton Counties, Pennsylvania, who were proscribed, fined, and imprisoned in 1798, a period better known as the *reign of terror*, for daring, as freemen, to express publicly their Democratic Principles under a Federal Administration.

The descendants of this proscribed list of patriots will rejoice in knowing, that through such stern, unflinching friends of their common country, the aristocratic proscription party were ignominiously hurled from their high places, and the banner of republicanism floated proudly and in triumph from the outer walls, proclaiming to the people by signs not to be misunderstood, that *incarceration* for opinion's sake, should be heard of no more in the young Republic.

NAMES.	FINE.	IMPRISONMENT.
John George Schaffer,	$600	12 months.
Daniel Schnearly,	400	8 "
Christian Ruth,	200	8 "
Henry Stahler,	200	8 "
Henry Shiffert,	50	8 "
Conrad Maix,	800	2 years.
Valentine Kuder,	200	2 "
Jacob Eyerman,	50	1 year.
Michael Smyer,	400	6 months.
Henry Schmidt,	200	6 "
Philip Ruth,	200	6 "
John Eberhart,	100	6 "
John Huber,	150	6 "
Christian Sax,	200	6 "
John Klem, jr.,	100	6 "
Daniel Klem,	150	6 "
Jacob Klem,	150	6 "
Adam Brush,	150	6 "
G. Mernberger,	150	6 "
George Gilman,	100	6 "
William Gilman,	100	6 "
Abraham Schamtz,	100	4 "
H. Mernberger,	100	4 "
Peter Hager,	100	4 "
Abraham Tamsel,	50	3 "
P. Hunlyberger,	50	3 "
Peter Gabel,	40	2 "
Daniel Gabel,	40	2 "
Jacob Gabel,	40	2 "

4. —— The Suppressed History of the Administration of John Adams, as printed and suppressed in 1802, by John Wood. Now republished with Notes and Appendix by John H. Sherburne. *Portrait.* 12mo, cloth (some pages water-stained). Phila. 1846

* Scarce.